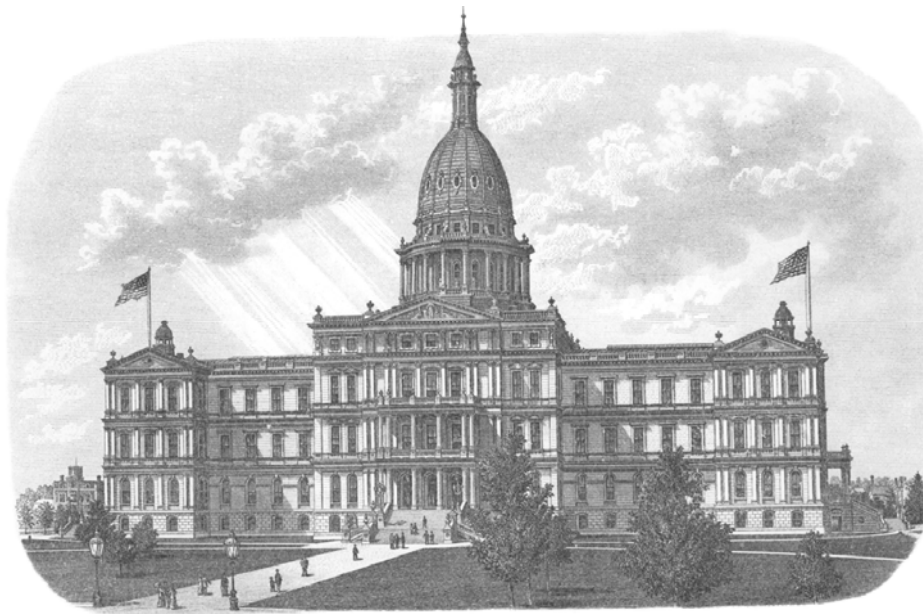


Michigan Register

Issue No. 16 – 2013 (Published September 15, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published September 15, 2013, contains
documents filed from August 15, 2013 to September 1, 2013)

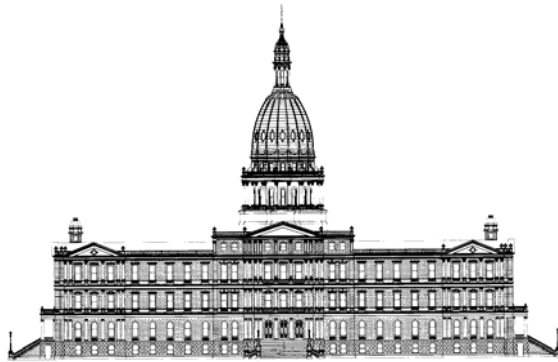
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Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
9	May 15, 2013	June 1, 2013
10	June 1, 2013	June 15, 2013
11	June 15, 2013	July 1, 2013
12	July 1, 2013	July 15, 2013
13	July 15, 2013	August 1, 2013
14	August 1, 2013	August 15, 2013
15	August 15, 2013	September 1, 2013
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19	October 15, 2013	November 1, 2013
20	November 1, 2013	November 15, 2013
21	November 15, 2013	December 1, 2013
22	December 1, 2013	December 15, 2013
23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on August 27, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.11913, R 408.11921, R 408.11937, and R 408.11957 of the Michigan Administrative Code are amended and R 408.11902 is added to the Code, as follows:

PART 19. CRAWLER, LOCOMOTIVE, AND TRUCK CRANES

R 408.11902 Adoption of standards by reference.

Rule 1902. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American Society of Mechanical Engineers (ASME) Standard ASME B30.5 “Crawler, Locomotive and Truck Cranes,” 1968 edition. Cost: \$60.00.

(b) American National Standard Institute (ANSI) Standard, ANSI B30.15 “Mobile Hydraulic Cranes,” 1973 edition. Cost \$60.00.

(2) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The Michigan occupational safety and health standard Construction Safety Standard Part 10 “Lifting and Digging Equipment,” R 408.41001a to R 408.41075a, is referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

R 408.11913 Operator selection.

Rule 1913. (1) An employer shall be able to demonstrate that an employee is trained and qualified to operate the equipment prior to authorizing the employee to operate the equipment. A permit system may be used to comply with this rule.

(2) An employee assigned to operate a crawler, locomotive, or truck crane shall have his or her ability to meet the minimum requirements in this rule verified not less than every 3 years.

CONSTRUCTION

R 408.11921 Construction; standards.

Rule 1921. (1) A crawler, locomotive or truck crane, purchased or modified after December 28, 1974, shall be as prescribed in Chapter 501 and Section 5-2.2 of Chapter 5-2, ASME B30.5 “Crawler, Locomotive and Truck Cranes,” 1968 edition, as adopted in R 408.11902.

(2) A mobile hydraulic crane purchased or modified after December 28, 1974, shall be as prescribed in Chapter 15-1 and Section 15-2.2 of Chapter 15-2, ANSI B30.15 “Mobile Hydraulic Cranes,” 1973 edition, as adopted in R 408.11902.

(3) A crawler, locomotive, or truck crane purchased after August 31, 1971, shall be modified to conform to Chapter 5 and Section 5-2.2 of Chapter 5-2 of ASME B30.5 “Crawler, Locomotive, and Truck Cranes” 1968 edition or Chapter 15-1 and Section 15-2.2 of Chapter 15-2 of ANSI B30.15 “Mobile Hydraulic Cranes,” 1973 edition, as adopted in R 408.11902.

R 408.11937 Work platform requirements.

Rule 1937. If a work platform is attached to the loadline of a crawler, locomotive, or truck crane, the employer shall comply with the provisions of Construction Safety Standard Part 10 “Lifting and Digging Equipment,” as referenced in R 408.11902.

R 408.11957 Tests for crawler, locomotive and truck cranes.

Rule 1957. (1) A crawler, locomotive or truck crane, prior to initial use and after modification, shall be given an operational test to insure compliance with this part, including the following:

- (a) Load hoisting and lowering mechanisms.
- (b) Boom hoisting and lowering mechanisms.
- (c) Travel mechanism.
- (d) Safety devices.
- (e) Boom extension mechanisms for a mobile hydraulic crane.

(2) A test load for a crawler, locomotive or truck crane shall not exceed 110% of the rated load at any working radius.

(3) Results of operational tests and load tests shall be maintained at the job site.

(4) Where rerating is necessary, it shall be as prescribed in Section 5-2.2 of Chapter 5-2 of ASME B30.5 “Crawler, Locomotive and Truck Cranes,” 1968 edition, as adopted in R 408.11902. Rerating shall not be in excess of the original load rating unless a letter of approval is obtained from the manufacturer and maintained at the job site.

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER RESOURCES DIVISION

WATER RESOURCES PROTECTION

Filed with the Secretary of State on August 27, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

By authority conferred on the director of the department of environmental quality by sections 3103 and 3106 of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.3103 and 324.3106)

R 323.3001 to R 323.3027 of the Michigan Administrative Code are rescinded, as follows:

Part 30. Water Quality Trading

R 323.3001 Rescinded.

R 323.3002 Rescinded.

R 323.3003 Rescinded.

R 323.3004 Rescinded.

R 323.3005 Rescinded.

R 323.3006 Rescinded.

R 323.3007 Rescinded.

R 323.3008 Rescinded.

R 323.3009 Rescinded.

R 323.3010 Rescinded.

R 323.3011 Rescinded.

R 323.3012 Rescinded-

R 323.3013 Rescinded.

R 323.3014 Rescinded.

R 323.3015 Rescinded.

R 323.3016 Rescinded.

R 323.3017 Rescinded.

R 323.3018 Rescinded.

R 323.3019 Rescinded.

R 323.3020 Rescinded.

R 323.3021 Rescinded.

R 323.3022 Rescinded.

R 323.3023 Rescinded.

R 323.3024 Rescinded.

R 323.3025 Rescinded.

R 323.3026 Rescinded.

R 323.3027 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

FOREST MANAGEMENT RESOURCES DIVISION

COMMERCIAL FORESTS

Proposed Draft August 30, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by ~~section 1 of Act No. 94 of the Public Acts of 1925, as amended Part 511 of 1994 PA 451, MCL 324.51101 to 324.51120 and sections 9 and 252 of Act No. 380 of the Public Acts of 1965, as amended, being SS320.301, MCL 16.109, and 16.352 of the Michigan Compiled Laws-~~)

R 299.2601, R 299.2603, R 299.2603a, R 299.2604, R 299.2605, R 299.2605a, R 299.2606, R 299.2608, R 299.2610, and R 299.2611 of the Michigan Administrative Code are amended, R 299.2607 and R299.2612 of the Michigan Administrative Code are rescinded, and R 299.2605b is added as follows:

R 299.2601 Application requirements for listing land; "act" defined.

Rule 1. (1) An application for listing land shall be on a form prescribed by the department of natural resources. ~~An Applications~~ **application shall be under oath, signed, dated, notarized, and postmarked not later than June April 1 to be considered for listing in the following tax year.** ~~Applications that are~~ **An application signed, dated, notarized, or postmarked after June April 1 shall be carried forward for consideration in the following tax year returned to the applicant.**

~~(2) An application shall be made under oath and shall be notarized.~~

~~(3)~~ (2) An application shall be prepared for each county covering all land in that county for which listing is desired. **The application fee as required by MCL 324.51103 (3)(a) shall be calculated based on the total acreage applied for in each application.**

~~(4)~~ (3) Land applied for shall be considered for listing as it is currently and legally described by **recorded deed and** on ad valorem assessment and tax rolls. Consolidation of contiguous descriptions in 1 section into a single larger description shall be done where possible.

~~(5)~~ (4) An application shall fully describe each tract and shall include all of the following information:

(a) ~~The name of the county.~~ **County name.**

(b) Political township.

(c) Town, range, section, and section subdivision.

(d) School district in which the tract is located.

~~(e) Exceptions or partial descriptions.~~ **Legally redescribing land to exclude areas not eligible for listing is permissible. The department may require a certified survey in accordance with section 1 of 1970 PA 132, MCL 54.211, if deemed necessary to determine eligibility.**

~~(f) Net acreage applied for.~~ Net acreage shall include rights-of-way covered by easements, but shall not include rights-of-way deeded to others or tracts owned in fee title by others.

~~(6) (5) Legally redescribing land to exclude areas not eligible for listing is permitted if the remainder of the land is apparently eligible for listing.~~ **If any interest in the title to land for which application for listing has been made is transferred between application submission date and the subsequent December 31, the applicant shall notify the department in writing immediately at the time of the transfer of title. Land no longer owned by the applicant and other application parcels that become**

ineligible due to the transfer of title shall be denied listing. If the land has already been approved for listing when notice of the transfer of title is received, the department shall cancel the listing.

~~(7) Applications shall be signed, dated, notarized, and postmarked not later than June 1 to be considered for listing in the following tax year. Applications that are signed, dated, notarized, or postmarked after June 1 shall be carried forward for consideration in the following tax year.~~

~~(8) (6) As used in these rules, "act" means Act No. 94 of the Public Acts of 1925, as amended, being S320.301 et seq. of the Michigan Compiled Laws. Part 511 of 1994 PA 451, MCL 324.51101 to 324.51120.~~

R 299.2603 Listing certificate.

Rule 3. (1) Land approved for listing by the department shall be recorded on a listing certificate that will be sent to the applicant for signature. A listing certificate shall be prepared for each county in which the applicant owns land approved for listing.

(2) The signed listing certificate, ~~in duplicate, and listing fee~~ shall be promptly returned to the department by the applicant. The department **shall sign the certificate and**, not later than December 31, shall send the signed listing certificate to the appropriate county register of deeds and ~~shall notify~~ the appropriate township supervisor of land approved for listing.

(3) Land approved for listing shall be removed from the ad valorem assessment and tax roll for the following tax year and shall be placed on a commercial forest specific assessment and tax roll for taxation at the rate specified in ~~section 5 MCL 324.51105 of the act.~~

(4) Any tax assessed after April 1 of the application year must be paid and evidence of such payment submitted to the department not later than March 1 of the first year of listing. If evidence of such payment is not received by the department, the listing shall be cancelled by the department. Both of the following apply:

(a) If the listing is cancelled, the department shall notify the township supervisor of the cancellation and request that the land be returned to the ad valorem tax roll for that tax year.

(b) If the listing certificate has been recorded at the county register of deeds, the department shall record a cancellation document with the register of deeds in said county.

R 299.2603a Return of portions of fees, taxes, and state payments to department of treasury for credit to state school aid fund; time.

Rule 3a. Those portions of ~~withdrawal tax penalties, withdrawal stumpage fees, yield taxes, landowner specific taxes, and state payments~~ **revenues as defined in MCL 324.51109(3) which must be returned to the state treasury to the credit of the state school aid fund, pursuant to sections 7a MCL 324.51106 and 324.51109 of the act,** shall be returned to the state treasury by the appropriate township or county treasurer not later than April 1 of the year following the year of their receipt.

R 299.2604 Land; eligibility for listing .

Rule 4. (1) To be ~~considered~~ eligible for listing, land shall meet the requirements for character and use prescribed in ~~sections 1a, 2, and 10~~ **MCL 324.51101, 324.51103 and 324.51113** of the act.

(2) A tract of less than 40 acres is not eligible for listing unless it is contiguous to land already listed by the same ~~applicant~~ **owner** or being listed by the same ~~applicant~~ **owner**. However, a tract of less than 40 **contiguous** acres may be eligible if it is a fractional survey description, or if its net area is less than 40 acres because of rights-of-way deeded to others, and if the department determines the tract is a reasonable and economic **commercial forest** management unit ~~primarily valuable as a commercial forest~~.

(3) Land within the boundaries of a city or village is not eligible for listing.

(4) Land zoned contrary to the intent of the act is not eligible for listing.

(5) Leasing and exploration for minerals **and wind energy production** are permitted on land listed under the act. Land for which application is being made for listing which is subject to mineral **or wind energy** leases or upon which exploration is occurring may be considered for listing if otherwise eligible.

(6) Commercial extraction of oil and gas is permitted on land listed under the act. Land for which application is being made for listing which is subject to oil and gas extraction may be considered for listing if otherwise eligible. All of the following apply:

(a) **At least 30 days prior to removal, the owner shall submit to the department an application to remove oil and gas on a form prescribed by the department**

(b) **Facilities, equipment, and structures directly related to and used solely for the extraction of oil and gas are permitted on land listed under the act.**

(c) **Refining of hydrocarbon liquids or underground natural gas storage/compression and any associated structures are not permitted on land listed under the act.**

~~(6)~~ (7) If an owner owns both surface and mineral rights and the owner or his or her contractors undertake commercial mineral extraction **other than oil and gas**, the owner shall withdraw the affected land from listing **prior to extraction**.

~~(7)~~ (8) If surface and mineral rights are separately owned and the mineral owner or his or her contractors undertake commercial mineral extraction **other than oil and gas**, the surface owner shall withdraw the affected land from listing **prior to extraction**.

~~(8)~~ (9) ~~It is the responsibility of The owner or owners of listed land to~~ **shall** advise the department of **any** commercial mineral extraction operations **and/or wind energy production** and ~~to~~ initiate withdrawal of the listed land affected **prior to extraction**.

~~(9) When commercial extraction of oil or gas occurs, the affected land to be withdrawn shall be all listed land which is shown by the supervisor of wells to be within the drilling unit, pursuant to Act No. 61 of the Public Acts of 1939, as amended, being S319.1 et seq. of the Michigan Compiled Laws.~~

(10) ~~When~~ **If commercial metallic, nonmetallic, or other mineral extraction occurs, except oil and gas, occurs, the affected land to be withdrawn shall include all of each listed either of the following:**

(a) ~~Shall include~~ **All of each listed 40-acre description, fractional description, government lot, or its equivalent over, upon, within, or under which mining operations occur.**

(b) **The area over, upon within or under which mining operations occur, as delineated on a project map of the affected area.** Mining operations, in addition to the extraction of minerals or ores, include the utilization of an area or tract of land for any of the following purposes:

~~(a)~~-(i) Pits.

~~(b)~~-(ii) Openings.

~~(c)~~ (iii) Shafts.

~~(d)~~ (iv) Processing facilities.

- ~~(e)~~ (v) Stockpiling areas.
- ~~(f)~~ (vi) Water and tailings basins.
- ~~(g)~~ (vii) Shipping facilities.

(11) If **mineral** extraction results in the retention of land under listing that by itself is ineligible for listing, **other than the acreage requirement**, the landowner shall also withdraw this ineligible land from listing.

(12) Non-commercial extraction of sand and gravel is permitted on listed land pursuant to MCL 324.51113(3). At least 30 days prior to removal, the owner shall submit to the department an application to remove sand and gravel on a form prescribed by the department. Sand and gravel applications shall be approved for a period not to exceed 1 year. If removal is not completed within the approved time period, a new application shall be submitted for the same description.

~~(12)~~ (13) The posting of a mineral exploration site **or an oil and gas extraction** site on listed land to prohibit public access on that site is permitted if necessary for public safety. Posting shall be restricted only to the area needed for efficient and safe operation of the exploratory **or extraction** site and shall be limited to the time during which exploration **and/or extraction** occurs.

~~(13)~~ (14) Tree plantations, to be eligible for listing and if otherwise eligible, shall have survived through the first 2 growing seasons after planting and, at the time of application, shall carry sufficient forest growth of suitable character and distribution to assure that a stand of merchantable timber will be developed within a reasonable time.

~~(14)~~ (15) Any 40-acre description, fractional description, or other description ~~just~~ meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 25% or more nonstocked but productive land. This ~~rule~~ **subrule** applies to each such description even though it may be contiguous to other descriptions already listed by the same ~~applicant~~ **owner** or being listed by the same ~~applicant~~ **owner**.

~~(15)~~ (16) Any 40-acre description, fractional description, or other description just meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 50% or more nonproductive land unless it is contiguous to, and is an integral part of, a larger managed forest already listed by the same ~~applicant~~ **owner** or being listed by the same ~~applicant~~ **owner**.

~~(16)~~ (17) Land managed for Christmas trees or for forest crops normally harvested at an age of 10 years or less is not eligible for listing.

R 299.2605 Criteria to determine compliance with act.

Rule 5. Land listed as commercial forest shall comply fully with the requirements of the act and all of the following provisions:

(a) The owner of forest land listed under the act shall manage that land consistent with the purposes expressed in ~~sections 2 and 10~~ **MCL 324.51101, 324.51103 and 324.51113 of the act and according to the owner's forest management plan.**

(b) **Except as provided in MCL 324.51113**, listed land shall not be used or obligated for any commercial purpose other than production of forest products and shall not be managed in a manner detrimental to the growth and development of those products.

(c) Noncommercial uses compatible with good forest management and full productivity of listed land are permitted.

(d) **An** easements may be granted across listed land if the effect on the productivity of the listed land is minimal. The landowner shall ~~advise~~ **notify** the department, **in writing**, of a prospective easements across listed land.

(e) ~~The only~~ Buildings or improvements **shall not be** permitted on listed land, ~~are except~~ those used exclusively for the conduct of commercial forest management operations **or as specified in R 299.2604(6).**

(f) **An owner shall submit to the department, upon request, a description of public access to listed land for the purpose of hunting and fishing.**

(g) **If an owner enters into a conservation easement or makes any other restrictive commitment on listed land, the owner shall submit a copy of the conservation easement or restrictive document to the department within 30 days of signing such an agreement. If these documents contain provisions contrary to the act or these rules, the owner shall withdraw the land pursuant to MCL 324.51108.**

R 299.2605a Public use of listed land.

Rule 5a. (1) Listed land shall be open to the public for hunting and fishing. Listed land shall not be posted in any manner to restrict or infer restriction of entry for hunting and fishing, except as provided in R 299.2604(12) and subrule (4) of this rule. Any act by an owner of listed land which is intended to **obstruct, deny, or inhibit access for public hunting and fishing, except as provided in R 299.2604(12) and subrule (4) of this rule, shall preclude listing of the land or, if listed, may require withdrawal of the land from listing if not corrected by the owner.**

(2) **Public use of listed land for any activity other than hunting or fishing requires owner permission.** The owner of listed land may restrict, through posting, activities other than public hunting and fishing.

(3) Fences and gates do not disqualify land from listing if the owner allows public entry for hunting and fishing.

(4) The owner of listed land may restrict public access for hunting and fishing during active commercial logging periods ~~on listed descriptions for which cutting permits have been issued and are in effect~~ **within the affected area if both of the following conditions are met:**

(a) **The owner has notified the department pursuant to MCL 324.51111 and R 299.2606.**

(b) **The activities are in compliance with the owner's forest management plan.**

R299.2605(b) Forest management plan.

Rule 5b. (1) Pursuant to MCL 324.51101 and 324.51103, an owner shall maintain a current, written forest management plan in effect for all commercial forest land, and shall actively manage the commercial forest land according to this plan.

(2) **A forest management plan shall meet the minimum requirements established and published by the department.**

(3) **The owner shall notify the department, in writing, 30 days prior to implementation, of any amendment or revision to a forest management plan.**

(4) **The certification required in MCL 324.51103(3)(c) shall be on a form prescribed by the department and shall reference the owner's current forest management plan.**

R 299.2606 **Prior reporting; H**harvest of forest products.

Rule 6. (1) ~~Commercial harvest of forest products from listed land shall be limited to descriptions, species, and forest products identified in the cutting permits which are issued by the department before cutting and which are in effect at the time of cutting.~~ **The owner of listed land shall report to the department of intent to harvest on a form prescribed by the department, at least 30 days prior to the cutting, harvesting, or removal of forest products from listed land.**

~~(2) A request for a cutting permit shall be made on a form available from the department and shall be submitted before forest products are harvested from listed land.~~ **Cutting, harvesting, or removal of forest products from listed land shall be in accordance with the owner's forest management plan and limited to descriptions and harvest practices identified on the report.**

~~(3) A cutting permit~~ **Prior reporting** is not required for noncommercial timber management operations where no merchantable forest products are cut, sold, given away, utilized, removed, or destroyed.

~~(4) Cutting permits shall be issued for 1 year. Extensions may be granted by the department with the understanding that stumpage rates will be reviewed and adjusted if necessary upon each request for extension.~~ **The department shall approve a harvest report for a period not to exceed 2 years. If harvesting operations, except transport of products, is not completed within the approved time period, an additional report shall be submitted to the department for the same description.**

~~(5) It is the responsibility of The permit holder owner to~~ **shall** notify the department of any changes to **the harvest described on the approved report, including in the descriptions, harvest practices, species, class of material, units of measure, or other terms of on the report.**

~~–(6) The removal of forest products from more than 1 description within a township may be covered by a master cutting permit for that township. Master cutting permit shall include the same requirements as regular permits and shall include all descriptions in that township on which cutting will occur.~~

~~–(7) Cutting permit shall be issued in such a manner that the department can maintain control over the descriptions covered and be able to audit forest products removed from those descriptions.~~

~~–(8) The department shall send a copy of each cutting permit and permit supplement to the appropriate township treasurer at the time of issuance.~~

~~R 299.2607 Remittance report~~ **Rescinded.**

~~–Rule 7. (1) Semiannual remittance reports as required by section 9 of the act shall be submitted by the owner of listed land on a form provided by the department. A report shall be identified as either intermediate or final.~~

~~–(2) A final report shall include all forest products previously unreported that have been cut under that permit. Further cutting shall not be done under that permit.~~

~~–(3) Semiannual reports shall be submitted while a permit is in effect even though forest products have not been cut during the reporting period.~~

~~R 299.2608 Withdrawal of listed land.~~

~~Rule 8. (1) When an~~ **The owner desires to withdraw all or part of his or her listed land, he or she shall notify the department, in writing, of the descriptions to be withdrawn shall complete and submit an application to the department to withdraw listed land on a form prescribed by the department.** If the withdrawal will result in the retention of listed land that by itself is ineligible for listing, the department shall also require withdrawal of that ineligible land in addition to the land contained in the initial withdrawal application.

~~(2) The department shall send the applicant a withdrawal certificate prepared in duplicate and indicating the withdrawal fees~~ **penalty** computed in accordance with ~~section 7~~ **MCL 324.51108** of the ~~act~~ **and instructions to make the penalty payment to the township treasurer.**

~~(3) Upon receipt of the signed withdrawal certificate in duplicate, together with the required withdrawal fees, and certification by the township treasurer that the withdrawal penalty has been paid,~~ the department shall certify the withdrawal as provided in ~~section 7~~ **MCL 324.51108** of the ~~act.~~ The date of this certification shall be the effective date of the withdrawal.

~~(3) (4) The~~ **Withdrawn** land shall be subject to the specific tax and not to the ad valorem property tax in the tax year in which it is withdrawn.

(5) For a partial withdrawal of listed land, the department may require a certified survey in accordance with 1970 PA 132, MCL 54.211, of the land to be withdrawn and the land that will remain listed, if deemed necessary to ensure eligibility.

R 299.2610 Transfers of title.

Rule 10. (1) Transfer of title does not alter the listing if land eligibility is unaffected, and ~~if the new owner wants the land to remain listed~~ **is in compliance with the act within 60 days of notification by the department.** ~~If the new owner does not want to continue the listing, the owner of record shall be responsible for withdrawal of the listing before the title transfer is completed~~

(2) ~~The owner of record shall promptly notify the department, in writing, of a land sale or any other change in ownership of listed land.~~ **If listed land is purchased under a land contract, a copy of the land contract shall be submitted by the vendee of the land contract to the department. If the terms of the land contract are not in compliance with the act or these rules, the land contract shall be amended to comply with the act or the land contract vendee shall withdraw the land pursuant to MCL 324.51108 and R 299.2608.**

(3) A title transfer which creates a separately owned description which does not meet eligibility requirements shall require withdrawal of that description from listing.

(4) ~~When~~ **If** the state or other governmental agency is acquiring listed land by purchase, gift, donation, condemnation, or exchange, that land shall be withdrawn from listing by the owner ~~of record~~ before the title transfer is completed. **If the title is transferred without prior withdrawal, the state or other governmental agency shall withdraw the land pursuant to MCL 324.51108.**

(5) ~~When~~ **If** listed land is being acquired by ~~another~~ **an** entity whose land is exempted from ad valorem real property taxes pursuant to the provisions of ~~Act No. 206 of the Public Acts of 1893, as amended, being S211.1 et seq. of the Michigan Compiled Laws~~ **1893 PA 206, as amended, MCL 211.1**, the land shall be withdrawn from listing by the owner of record before the title transfer is completed. **If the title is transferred without prior withdrawal, the acquiring entity shall withdraw the land pursuant to MCL 324.51108.**

R 299.2611 Trespass.

Rule 11. The department is not responsible for the protection of listed land against trespass upon forest products. If trespass upon forest products occurs, the owner ~~is liable to the department for the yield tax on the stumpage value of the forest products removed, as though the cutting had been done under permit from the department~~ **shall notify the department in writing and bring the land into compliance with the act. If the owner does not comply with the act, the land shall be withdrawn pursuant to MCL 324.51108.**

R 299.2612 Rescission: **Rescinded**

~~Rule 12. The rules entitled "Rules and Regulations Concerning Commercial Forest Reserves," being R 299.261 to R 299.275 of the Michigan Administrative Code and appearing on pages 1925 to 1927 of the 1954 volume of the Code, are rescinded.~~

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Michigan Department of Natural Resources will hold a public hearing to receive comments on proposed amendments to commercial forest rules promulgated under authority of section 51102 of 1994 PA 451, MCL 324.51102. Information about the proposed rules will be provided at 7:00 p.m., followed by public hearing at 7:30 p.m. at the following locations and dates:

Monday, September 30, 2013 County of Otsego Building 225 W. Main Gaylord, Michigan	Tuesday, October 1, 2013 Quality Inn & Suites 2603 N. Lincoln Road Escanaba, Michigan	Wednesday, October 2, 2013 Best Western Lakeside Inn 900 U.S. 41
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Baraga, MichiganA copy of the proposed rules (ORR 2010-039 NR) may be accessed from the Michigan Office of Regulatory Reinvention web site at <http://www.michigan.gov/orr> and may also be obtained by contacting Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, Telephone: 517-241-2328, FAX: 517-241-2986, or klontl@michigan.gov.

Notice of public hearing is given in accordance with Section 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, [MCL 24.241 and 24.242]. These rules will become effective immediately upon filing with the Secretary of State.

All interested persons are invited to attend and present their views. Statements should be submitted in writing for the hearing record. For those unable to attend, written statements may also be submitted to: Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, or klontl@michigan.gov. All statements must be received by 5:00 p.m., on October 25, 2013. Persons with disabilities requesting accommodations for effective participation in the meeting should call 517-241-2128, or email to ryanf@michigan.gov 7 days prior to the meeting date to request mobility, visual, hearing, or other assistance.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed Draft August 22, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, **MCL 408.1019 and 408.1021** and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, **445.2011**, ~~445.2011~~, 445.2025, and 445.2030)

R 408.40601, R 408.40615, R 408.40616, R 408.40617, R 408.40621, R 408.40622, R 408.40624, R 408.40625, R 408.40626, R 408.40631, and R 408.40636 of the Michigan Administrative Code are amended and R 408.40603, R 408.40614, R 408.40617a, R 408.40624a, R 408.40624b, are added, and R 408.40633, R 408.40634, and R 408.40635 of the Code are rescinded, as follows:

PART 6. PERSONAL PROTECTIVE EQUIPMENT

R 408.40601 Scope.

Rule 601. (1) This **standard** ~~part~~ provides specifications for personal protective equipment and prescribes the use, **selection, and maintenance** of this equipment for the protection of the employee's head, face, eyes, hands, feet, and body during construction operations.

(2) **Hearing protection shall be in compliance with Occupational Health Standard Part 380 "Occupational Noise Exposure," as referenced in R 408.13301a.**

(3) **Respiratory protection shall be in compliance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 408.13301a.**

(4) **Protective equipment, including personal protective equipment for eyes, face, head, hands, feet, and body, protective clothing, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.**

R 408.40603 Adoption of standards by reference; access to other MIOSHA rules; appendices.

Rule 603. (1) The following standards are adopted by reference in these rules and are available from the Document Center, Inc., Customer Service, 121 Industrial Road, Suite 8, Belmont, California 94002, USA, telephone: (650) 591-7600 or via the internet at website: www.document-center.com; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standard Institute (ANSI) Z-89.1 “American National Standard for Industrial Head Protection,” 2009 edition. Cost: \$61.25

(b) ANSI Z-89.1, "American National Standard for Industrial Head Protection," 2003 edition. Cost: \$20.00.

(c) ANSI Z-89.1 "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers--Requirements," 1997 edition. Cost: \$20.00.

(2) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.

(b) Occupational Health Standard Part 380 “Occupational Noise Exposure” R 325.60101 to R 325.60128.

(c) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(5) The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 408.40614 Definitions, C to F.

Rule 614. (1) "Contaminant" means any material which by reason of its action upon, within, or to a person is likely to cause physical harm.

(2) “Footwear” means wearing apparel for the feet, such as shoes, boots, slippers, or overshoes, excluding hosiery.

R 408.40615 Definitions, H to R. Ø.

Rule 615. (1) “Helmet,” ~~also sometimes~~ called a hard hat or cap, means a rigid device that is worn to provide protection for on the head and that is designed to provide limited protection against impact, flying particles, or electric shock.

(2) “Hood” means a device that completely covers the head, neck, and portions of the shoulders. ~~which is worn to provide protection against acids, chemicals, abrasives, and temperature extremes and which entirely encloses the whole head, including the face and neck.~~

~~(3) “Lanyard” means a device which is suitable for supporting 1 person and which has 1 end fastened to a safety belt or harness and the other end secured to a substantial object or a lifeline.~~

~~(4) “Lifeline,” sometimes called a static line or a catenary line, means a rope to which a lanyard or safety belt or harness is attached.~~

~~(5) “Lineman’s belt,” sometimes called a body belt, means a device that has loops and holsters for holding tools and D rings to which a safety strap is attached.~~

(2) “Manufacturer” means a business entity that marks or directs the permanent marking of the components or complete devices as compliant with this standard, and sells them as compliant.

(3) “Metatarsal guards” mean guards that are designed to protect the top of the foot from the toes to the ankle over the instep of the foot. These guards may be attached to the outside of shoes.

~~(4)(6) “O.D.” means optical density and refers to the light refractive characteristics of a lens.~~

(5) “Protective footwear” means footwear that is designed, constructed, and classified to protect the wearer from a potential hazard or hazards.

(6) “Radiant energy” means energy that travels outward in all directions from its sources

R 408.40616 Definitions, S, T.

~~Rule 616. (1) “Safety belt” means a device which is worn around the waist and which, by reason of its attachment to a device, restricts the fall of an employee.~~

~~(2) “Safety harness” means a device which is worn over the shoulders and around the chest and which, by reason of its attachment to a device, restricts the fall of an employee.~~

~~(1)(3) “Safety line” means a device used for emergency rescue work.~~

~~(4) “Safety strap,” sometimes called a safety rope, means an adjustable device used to hold an employee to an fixed object, such as a pole, ladder, or tower. A safety strap is fastened by snap hooks to the D rings of a lineman’s body belt.~~

~~(2)(5) “Sanitizing” means an act or process of destroying organisms that may cause disease.~~

(3) “Shell” means the portion of welding helmet or handshield that covers the wearer’s face and is the part of a helmet which includes the outermost surface.

(4) “Toe guards” means the guards that fit over the toes of regular shoes to protect the toes from impact and compression hazards. These guards may be attached to the outside of shoes.

R 408.40617 **Employer’s and employee’s responsibilities.** ~~Employer responsibility.~~

~~Rule 617. (1) An employer shall not permit defective or damaged personal protective equipment to be used. An employer shall provide to an employee, at no expense to the employee, the initial issue of personal protective equipment and replacement equipment necessary due to reasonable wear and tear required by this part or any other construction safety standard rules, unless specifically indicated otherwise in this standard part or any other construction safety standard rules, or unless a collective bargaining or other employer/employee agreement specifically requires employees to provide such equipment.~~

(2) An employer shall require an each employee to wear personal protective equipment as prescribed by the manufacturer when required prescribed by any Michigan occupational safety and health act (MIOSHA) rule. the rules of this part.

~~(3) If the employer supplies personal protective equipment is required and which is worn in direct contact with the skin, the equipment shall be sanitized before being reissued to another employee.~~

(4) An employer shall require the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(5) All personal protective equipment shall be of safe design and constructed for the work to be performed.

PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT.

R 408.40617a Payment for personal protective equipment (PPE).

Rule 617a. (1) An employer shall provide at no cost to employees the personal protective equipment necessary to protect against hazards that the employer is aware of as a result of any required assessments.

(2) An employer shall pay for replacement PPE, as necessary, under either of the following conditions:

(a) When the PPE no longer provides the protection it was designed to provide.

(b) When the previously provided PPE is no longer adequate or functional.

(3) When an employee has lost or intentionally damaged the PPE issued to him or her, an employer is not required to pay for its replacement and may require the employee to pay for its replacement.

(4) An employer is not required to pay for prescription safety eyewear with removable or permanent sideshields as long as the employer provides safety eyewear that fits over an employee's prescription lenses.

(5) An employer is not required to pay for non-specialty prescription safety eyewear, provided that the employer permits these items to be worn off the job-site.

(6) An employer is not required to pay for non-specialty safety-toe protective footwear, including steel-toe shoes or steel-toe boots, provided that the employer permits these items to be worn off the job-site.

(7) An employer shall provide, at no cost to employees, metatarsal guards attachable to shoes when metatarsal protection is necessary, when both of the following apply:

(a) If metatarsal protection is necessary and an employer requires employees to use metatarsal shoes instead of detachable guards, then the employer shall provide the metatarsal shoe at no cost to the employee.

(b) If an employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, then the employer is not required to pay for the metatarsal shoes or boots.

(8) An employer is not required to pay for either of the following:

(a) Everyday clothing, which includes any of the following:

(i) Long-sleeve shirts.

(ii) Long pants.

(iii) Street shoes.

(iv) Normal work boots.

(v) Ordinary clothing.

(vi) Skin creams.

(b) Other items used solely for protection from weather, which includes any of the following:

(i) Winter coats.

(ii) Jackets.

(iii) Gloves.

(iv) Parkas.

(v) Rubber boots.

(vi) Hats.

(vii) Raincoats.

(viii) Ordinary sunglasses.

(ix) Sunscreen.

(9) An employer shall pay for protection when ordinary weather gear is not sufficient to protect an employee and special equipment or extraordinary clothing is needed to protect the employee from unusually severe weather conditions. Clothing used in artificially-controlled environments with extreme hot or cold temperatures, such as freezers, is not considered part of the weather gear exception.

(10) All of the following apply to upgraded and personalized PPE:

(a) An employer is not required to pay for PPE requested by an employee that exceeds the PPE requirements, provided that the employer provides PPE that meets the standards at no cost to the employee.

(b) If an employer allows an employee to acquire and use upgraded or personalized PPE, then the employer is not required to reimburse the employee for the equipment, provided that the employer has provided adequate PPE at no cost to the employee.

(c) An employer shall evaluate an employee's upgraded or personalized PPE to ensure that it is in compliance with all of the following:

(i) Adequate to protect from hazards present in the workplace.

(ii) Properly maintained.

(iii) Kept in a sanitary condition.

(11) When the provisions of another MIOSHA standard specify whether the employer shall pay for specific equipment, the payment provisions of that standard prevails.

R 408.40621 ~~Certification of~~ **Criteria for head protection.**

Rule 621. (1) **An employer shall provide each employee with head protection that meets the specifications contained in any of the following consensus standards:** ~~A class A helmet shall bear a certification by the manufacturer that the helmet is as prescribed in ANSI standard Z-89.1-1986, Industrial Head Protection," which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$20.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the~~

Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.

(a) ANSI Z-89.1, "American National Standard for Industrial Head Protection," 2009 edition, as adopted in R 408.40603.

(b) ANSI Z-89.1, "American National Standard for Industrial Head Protection," 2003 edition, as adopted in R 408.40603.

(c) ANSI Z-89.1 "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers--Requirements," 1997 edition, as adopted in R 408.40603.

(2) Any head protection device that an employer demonstrates is at least as effective as a head protection device constructed in accordance with 1 of the consensus standards adopted in subrule (1) of this rule is considered to be in compliance with this rule. ~~A class B helmet for the protection of an employee exposed to voltages of more than 600 volts shall bear a certification by the manufacturer that the helmet is as prescribed in ANSI standard Z89.2-1986, industrial protective helmets for electrical workers, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$24.00 as of time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

(3) An employer shall ensure that the head protection provided for each employee exposed to high-voltage electric shock and burns meets the specifications contained in Section 9.7 "Electrical Insulation" of any of the ANSI standards adopted by reference in subrule (1) of this rule.

HEAD PROTECTION EQUIPMENT

R 408.40622 Use of head protection.

Rule 622.(1) An employer shall ensure that each affected employee is provided with, and wears, head protection equipment and accessories when the employee is required to be present in areas where a hazard or risk of injury exists from any of the following:

- (a) Falling or flying objects or particles.
- (b) Electrical shock and burns.
- (c) From other harmful contacts or exposures.

~~A helmet, as prescribed in R 408.40621, shall be used to protect the employee where a hazard or risk of injury exists from falling or flying objects or particles or from other harmful contacts or exposures.~~

(2) **Head protection equipment** ~~A helmet~~ that has been physically altered, painted, or damaged shall not be worn.

(3) A chin strap shall be provided ~~with a helmet~~ and shall be used when ~~the~~ an employee is exposed to weather or work operations that may cause the **head protection equipment** ~~helmet~~ to be displaced.

EYE AND FACE PROTECTION

R 408.40624 Use of eye and face ~~and eye~~ protection.

Rule 624.(1) An employer shall ensure that each affected employee uses appropriate eye and face protection, when exposed to eye or face hazards or if risk of injury exists from any of the following:

- (a) Flying objects or particles.
- (b) Harmful contacts.

- (c) Exposures, such as glare.
- (d) Liquids.
- (e) Injurious radiation.
- (f) Electrical flash.
- (g) A combination of these hazards.

Face and eye protection, as prescribed in R 408.40623, shall be used where a hazard or risk of injury exists from flying objects or particles, harmful contacts, exposures such as glare, liquids, injurious radiation, electrical flash, or a combination of these hazards. Table 1 shall be used as a guide to select the proper eye and face protection.

(2) An employee who wears prescription eyewear needs corrective lenses in spectacles where eye protection is required shall be protected by 1 of the following:

(a) **Eye protection that incorporates the prescription in its design.** Spectacles whose protective lenses provide optical correction.

(b) **Eye protection that can be worn over prescription lenses without disrupting either the prescription eyewear or the protective eyewear.** Goggles that can be worn over the corrective lenses without disturbing the adjustment of the spectacles.

(c) **Eye protection** Goggles that incorporates corrective lenses mounted behind the protective lenses.

(3) **Eye and face** Face and eye protection equipment shall be of proper size to fit the each employee and protect against the intrusion of foreign objects. **Eye and face** Face and eye protection shall be kept clean and in good repair. Equipment with structural or optical defects shall not be used.

(4) When an employee is welding and using a welding shield, the shield shall incorporate a safety glass feature with a flip up filter lens or the employee shall wear safety glasses with side shields or goggles under the shield when the shield is raised and is exposed to flying objects

(4)(5) **A protector shall be in compliance with all of the following minimum requirements:** Table 2 shall be used to select the proper shade number of filter lenses or plates during welding operations.

(a) **Provides adequate protection against the particular hazards for which it is designed.**

(b) **Be reasonably comfortable when worn under the designated conditions.**

(c) **Fits snugly and does not unduly interfere with movements of the wearer.**

(d) **Be durable.**

(e) **Be capable of withstanding sanitizing.**

(5) **An employer shall ensure that eye and face personal protective equipment is distinctly marked to facilitate identification of the manufacturer.**

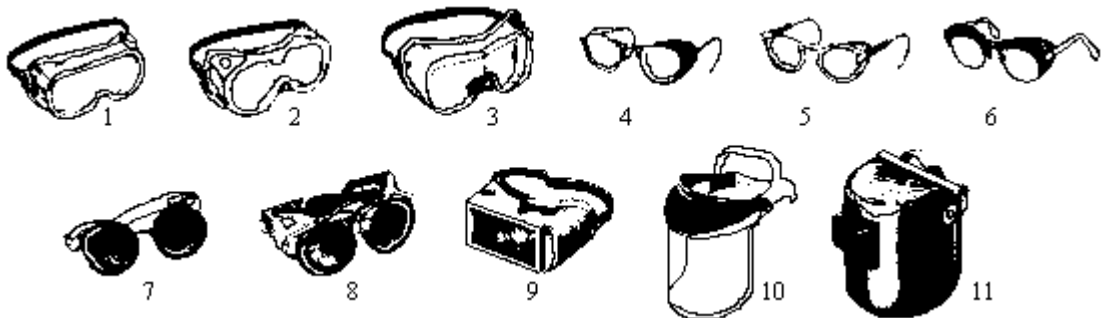
(6) **Limitations or precautions indicated by the manufacturer shall be transmitted to the user and care is taken to ensure that the limitations or precautions are observed.**

(6) An employee exposed to laser beams with a wattage of more than .005(5 milliwatts) shall wear laser safety goggles which provide protection for the specific wavelength of the laser and which are of an optical density(O.D.) adequate for the energy involved. The maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 to 8 is shown in Table 3. Output levels falling between lines in this table shall require the higher optical density.

(7) Table 1 reads as follows: shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.

TABLE 1
EYE AND FACE PROTECTOR SELECTION GUIDE

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1.	GOGGLES	Flexible Fitting, Regular Ventilation
2.	GOGGLES	Flexible Fitting, Hooded Ventilation
3.	GOGGLES	Cushioned Fitting, Rigid Body
* 4.	SPECTACLES	Metal Frame, with Side Shields
* 5.	SPECTACLES	Plastic Frame, with Side Shields
* 6.	SPECTACLES	Metal-Plastic Frame, with Side Shields
** 7.	WELDING GOGGLES	Eyecup Type, Tinted Lenses (Illustrated)
7A.	CHIPPING GOGGLES	Eyecup Type, Clear Safety Lenses (Not Illustrated)
**8.	WELDING GOGGLES	Converspec Type, Tinted Lenses (Illustrated)
**8A.	CHIPPING GOGGLES	Coverspec Type, Clear Safety Lenses. (Not Illustrated)
**9.	WELDING GOGGLES	Coverspec Type, Tinted Plate Lens
10.	FACE SHIELD	(Available with Plastic or Mesh Window)
**11.	WELDING HELMETS	

APPLICATIONS		
OPERATION	HAZARDS	RECOMMENDED PROTECTORS: Bold Type Numbers Signify Preferred Protection
Acetylene-Burning Acetylene-Cutting Acetylene-Welding	Sparks, Harmful rays, Molten Metal, Flying Particles	7, 8, 9
Chemical Handling	Splash, Acid burns, Fumes	2, 10 (For severe exposure add 10 over 2)
Chipping	Flying Particles	1, 3, 4, 5, 6, 7A, 8A
Electric(arc) Welding	Sparks, Intense Rays, Molten Metal	9, 11 (11 in combination with 4, 5, 6, in tinted lenses advisable)
Furnace Operations	Glare, Heat, Molten Metal	7, 8, 9 (For severe exposure add 10)
Grinding-Light	Flying Particles	1, 3, 4, 5, 8, 10
Grinding-Heavy	Flying Particles	1, 3, 7A, 8A (For severe exposure add 10)
Laboratory	Chemical Splash, Glass Breakage	2 (10 when in combination with 4, 5, 6)
Machining	Flying Particles	1, 3, 4, 5, 8, 10
Molten Metals	Heat, Glare, Sparks, Splash	7, 8 (10 in combination with 4, 5, 6, in tinted lenses)
Spot Welding	Flying Particles, Sparks	1, 3, 4, 5, 8, 10

* Non-side shield spectacles are available for limited hazard use requiring only frontal protection.

** See table 2 of this rule, “Filter Lens Shade Numbers **During For Protection For** Welding Operations.”

WELDING PROTECTION

R 408.40624a Welding protection.

Rule 624a (1) Table 2 shall be used as a guide to select the proper shade number of filter lenses or plates during welding operations.

(2) When an employee is welding and using a welding shield, the shield shall incorporate a safety glass feature with a flip-up filter lens or the employee shall wear safety glasses with side shields or goggles under the shield when the shield is raised and is exposed to flying objects.

(3) Shades more dense than those listed in Table 2 may be used to suit the individual's needs.

(4)(10) Table 2 reads as follows:

TABLE 2

FILTER LENS SHADE NUMBERS DURING WELDING OPERATIONS	
WELDING OPERATION	SHADE NUMBER
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-, inch diameter electrodes	10
Gas-shielded arc welding(nonferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding(ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 3/16-, 7/32-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10 – 14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding(light), up to 1/8-inch	4 or 5
Gas welding(medium), 1/8-inch to 1/2-inch	4 or 6
Gas welding(heavy), over 1/2-inch	6 or 8

LASER PROTECTION

R 408.40624b Laser protection.

Rule 624b. (1) An employee exposed to laser beams with a wattage of more than .005(5 milliwatts) shall wear laser safety goggles that provides protection for the specific wavelength of the laser and that are of an optical density (O.D.) adequate for the energy involved. The maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 to 8 is shown in Table 3.

(2) All protective goggles shall bear a label identifying all of the following data:

(a) The laser wavelengths for which use is intended.

(b) The optical density of those wavelengths.

(c) The visible light transmission.

(3)(11) Table 3 reads as follows:

TABLE 3

SELECTING LASER SAFETY GLASS		
INTENSITY		ATTENUATION
CW Maximum Power Density (Watts/cm ³)	Optical Density (O.D.)	Attenuation Factor

10 ⁻²	5	10 ⁵
10 ⁻²	6	10 ⁶
1.0	7	10 ⁷
10.0	8	10 ⁸
*10 ⁻² Equals 1 Milliwatt.		
Output levels falling between lines in this table shall require the higher optical density.		

FOOT AND TOE PROTECTION

R 408.40625 **Foot and toe protection; consensus standards; specific requirements.** ~~Certification and use of foot protection.~~

Rule 625. (1) Safety toe footwear shall bear a permanent mark to show the manufacturer's name or trademark and to show certification of compliance with ANSI standard Z-41 -1991, "Protective Footwear Personal Protection," ~~protective footwear personal protection~~, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$20.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(2) An **employer shall ensure that each affected** employee wears foot protection or toe protection, or both, if conditions of the job are likely to cause a foot injury. ~~The employee shall provide the foot protection or toe protection unless specifically otherwise provided for in a collective bargaining agreement or other employer-employee agreement.~~

(3) **If a hazard is created from a process, a chemical, or mechanical irritant which could cause an injury or impairment to the feet by absorption or physical contact, other than from impact, then the employer shall provide any of the following to the employee:**

- (a) Boots.
- (b) Overshoes.
- (c) Rubbers.
- (d) Wooden-soled shoes.
- (e) **The equivalent to subdivisions (a) to (d) if this subrule.**

~~Where a hazard is created from a process, a chemical or mechanical irritant which could cause an injury or impairment to the feet by absorption or from physical contact other than from impact, footwear such as boots, overshoes, rubbers, wooden soled shoes, or their equivalent shall be worn by the employee and provided for by the employer.~~

HAND AND BODY PROTECTION

R 408.40626 **Hand and body protection.** ~~Body protection.~~

Rule 626. (1) **An employee who handles rough, sharp-edged, abrasive materials, or whose work subjects the hands to any of the following, shall wear hand protection of a type suitable for the work being performed:**

- (a) Lacerations.
- (b) Punctures.
- (c) Burns.
- (d) Bruises.

~~An employee who handles rough, sharp-edged, abrasive materials, or whose work subjects the hands to lacerations, punctures, burns, or bruises, shall wear hand protection of a type suitable for the work being performed. The employee shall provide the hand protection unless specifically otherwise provided for in a collective bargaining agreement or other employer-employee agreement.~~

(2) Cloth gloves shall not be worn when operating rotating equipment such as a drill or a powered threading machine.

(3) Precautions shall be taken with regard to synthetic clothing that is worn near a source of flame, spark, a hot surface, or material that could ignite the clothing.

(4) An employee shall not wear loose clothing, neckwear encircling the neck, or exposed jewelry, such as rings and necklaces, near a machine having reciprocating or rotating shafts or spindles or when handling material that could catch on clothing or jewelry and cause injury. A ring shall not be worn on the finger unless covered by a glove or tape.

(5) When an employee is exposed to hazards such as radiation, alkalies, acids, abrasives, and temperature extremes other than those caused by weather conditions, appropriate head, body, and hand protection shall be worn to protect the employee from that hazard. Such personal protective equipment shall be provided by the employer.

FALL PROTECTION

R 408.40631 **Fall protection.** ~~Protection from unguarded surfaces.~~

Rule 631. **An employer shall ensure that each employee whose fall protection is not covered by another MIOSHA safety standard, and the employee's work area is more than 6 feet above the ground, floor, water, or other surface, shall be protected as prescribed in Construction Safety Standard Part 45 "Fall Protection," as referenced in R 408.13301a.**

The following systems are included in Construction Safety Standard Part 45 "Fall Protection:"

(a) Guardrail systems.

(b) Safety net systems.

(c) Personal fall arrest systems.

See Appendix C for reference to the correct safety standards for construction industry threshold heights requiring fall prevention/protection equipment.

~~(1) An employer shall ensure that an employee whose protection from falling is not covered by another part of the construction safety standards and who works more than 10 feet above the ground or floor from an unguarded work surface or who, regardless of height, works from an unguarded work surface above or adjacent to, or above and adjacent to, a specific hazard, such as, but not limited to, dangerous equipment or an open tank or vat of hazardous substances, is either secured by a rope grab to a lifeline or to a structure or is protected by a safety net prescribed in R 408.40635.~~

~~(2) An employer shall ensure that a lifeline, safety belt, and a lanyard is used only for employee safeguarding. An employer shall ensure that a lifeline, safety belt, or lanyard actually subjected to inservice loading is immediately removed from service and is not used again for employee safeguarding.~~

~~(3) An employer shall ensure that a lifeline is secured directly above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.~~

~~(4) An employer shall ensure that a lifeline used on rock scaling operations or used in an area where the lifeline may be subjected to cutting or abrasion is a minimum of 7/8-inch wire core manila rope or equivalent. For other applications, an employer shall ensure that a minimum of 3/4-inch manila rope, or equivalent, that has a minimum breaking strength of 5,400 pounds is used.~~

~~(5) An employer shall ensure that a safety belt lanyard is a minimum of 1/2-inch nylon rope, or equivalent, that has a maximum length which provides for a vertical drop of not more than 6 feet from the point that the rope is attached to the body.~~

R 408.40633. Rescinded. Lineman's belt and safety strap; use.

~~Rule 633.(1) A lineman's belt and safety strap shall be worn by an employee working on a pole, tower, or other such structure, except where use of the belt and strap creates a greater hazard. If use of the belt and strap creates a greater hazard, other equivalent safeguards that do not create a greater hazard shall be used.~~

~~(2) A lineman's belt and safety strap shall not be used in a manner that subjects them to a shock load, unless the belt and strap are in compliance with the requirements of the safety belt and lanyard as prescribed in Part 45 "Fall Protection," being R 408.44501 et seq. of the Michigan Administrative Code.~~

~~(3) A lineman's belt and safety strap shall be inspected before use each day and shall be replaced or repaired if found to be defective.~~

R 408.40634 Rescinded. Lineman's belt and safety strap; construction.

~~Rule 634. A lineman's belt and safety strap shall meet all of the following criteria:~~

~~(a) Hardware for a lineman's belt, safety belt, and safety strap shall be drop forged or pressed steel with a corrosion resistant finish. The surface shall be smooth and free of sharp edges.~~

~~(b) The hardware shall be constructed to withstand the following tests:~~

~~(i) Buckles, 2,000-pound tensile test with a permanent deformation of not more than 1/64 inch.~~

~~(ii) D rings, 5,000-pound tensile test without cracking or breaking.~~

~~(iii) Snaphooks, 5,000-pound tensile test without distortion which would release the keeper. The keeper shall have a spring tension that does not allow the keeper to open with a weight of not less than 4 pounds when the weight is supported on the keeper against the end of the nose.~~

~~(c) The cushion part of a lineman's belt shall meet all of the following requirements:~~

~~(i) It shall contain no exposed rivets on the inside.~~

~~(ii) It shall be not less than 3 inches wide and not less than 5/32 inch thick.~~

~~(iii) It shall have pocket tabs that extend not less than 1 1/2 inches down and 3 inches back of the inside of the circle of each D ring for riveting on plier or tool pockets. On shifting D belts, the measurement for pocket tabs shall be taken when the D ring section is centered.~~

~~(d) A maximum of 4 tool loops shall be so located on the lineman's belt that 4 inches of the lineman's belt in the center of the back, measured from D ring to D ring, are free of tool loop and other attachments.~~

~~(e) Copper, steel, or equivalent liners shall be used around the bar of D rings to prevent wear between the D ring and the leather or fabric enclosing them.~~

~~(f) All stitching shall be not less than 42-pound weight nylon or equivalent thread and shall be lock-stitched. Stitching parallel to an edge shall be not less than 3/16 inch from the edge of the narrowest member caught by the thread.~~

R 408.40635 Rescinded. Safety nets.

~~Rule 635.(1) An employer shall ensure that a net extends 8 feet beyond the edge of the work surface where an employee is exposed and is installed as close under the work surface as practical, but not more than 25 feet below the work surface. An employer shall ensure that the net is hung with sufficient clearance to prevent an employee from coming in contact with the surface below.~~

~~(2) An employer shall ensure that the mesh size of a net is not more than 6 inches by 6 inches.~~

~~(3) An employer shall ensure that a net purchased after July 12, 1999 bears a label certifying an accepted performance of 17,500 foot pounds minimum impact resistance for each panel. An employer shall ensure that the edge ropes provide a minimum breaking strength of 5,000 pounds.~~

~~(4) An employer shall ensure that forged steel safety hooks or shackles are used to fasten the net to its supports.~~

~~(5) An employer shall ensure that connections between net panels develop a safety net that has the full strength of each panel.~~

R 408.40636 Working over or near water.

Rule 636. (1) Where a possibility of drowning exists, ~~an~~ each employee working over or adjacent to water shall wear a life jacket or buoyant work vest. The life jacket or buoyant vest shall bear a label, "U.S. Coast Guard approved." ~~The jacket shall be of a type to roll the wearer face up, if unconscious.~~

(2) Before each use, **a competent person shall inspect** the life jacket or buoyant vest ~~shall be inspected~~ for defects which might alter its strength or buoyancy. Defective units shall not be used.

(3) A ring buoy with not less than 90 feet of safety line shall be provided and shall be readily available for rescue operations. The distance between the buoys shall not be more than 200 feet.

(4) Not less than 1 lifesaving boat equipped with a method of propulsion that is effective for the water conditions shall be available at the location where an employee works over or adjacent to water. ~~and the possibility of drowning exists.~~

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

CHILD CARE ORGANIZATIONS ACT: Administration of insulin and glucagon to children
at child-care
CHILDREN AND MINORS: organizations.

PUBLIC HEALTH CODE:

DEPARTMENT OF HUMAN SERVICES:

The Child Care Organizations Act, 1973 PA 116, MCL 722.111 *et seq.*, as implemented by the Department of Human Services in Mich Admin Code, R 400.5113b, permits adult caregivers to administer insulin and glucagon to a child in attendance at a child-care organization with the prior written permission of a parent, pursuant to the instructions of the child's licensed practitioner, and in accordance with the remainder of the rule's provisions.

Opinion No. 7274

August 28, 2013

Honorable Senator Rick Jones
State Senator
The Capitol
Lansing, Michigan 48909

You have asked whether Michigan law permits child-care organization employees, who are not licensed health-care professionals, to administer insulin and glucagon to children who have diabetes and require these medications while in attendance at a child-care organization.¹

The Child Care Organizations Act, 1973 PA 116, MCL 722.111 *et seq.*, provides for the licensing and regulation of the various types of child-care organizations and their employees. The Act

¹ According to the American Diabetes Association, insulin is often administered by syringe through an injection, but other options include insulin pens and pumps. See <www.diabetes.org/living-with-diabetes/treatment-and-care/medication/insulin/insulin-routines.html> (accessed March 12, 2013). Glucagon is only administered by syringe through an injection. See <www.diabetes.org/living-with-diabetes/treatment-and-care/blood-glucose-control/hypoglycemia-low-blood.html> (accessed March 12, 2013).

itself does not directly address whether licensed child-care providers may administer medications to children entrusted to an organization's care. However, Section 14a(1) of the Act, MCL 722.124a(1), provides authority for the Department of Human Services to execute written instruments investing child-care organizations, "with authority to consent to emergency medical and surgical treatment of [a] child" and to, "routine, nonsurgical medical care of [a] child." And the Act also requires that the Department of Human Services develop and adopt administrative rules "for the care and protection of children in organizations covered by [the] act." MCL 722.112(1). Section 2(4), MCL 722.112(4), provides in part that:

(4) The rules promulgated under this act shall be restricted to the following:

(a) The operation and conduct of child care organizations and the responsibility the organizations assume for child care.

* * *

(e) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards to provide for the physical comfort, care, and well being of the children received. . . .

(f) Provisions for food, clothing, educational opportunities, programs, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of children served.

As mandated, the Department of Human Services has adopted a comprehensive set of rules governing the operation of child-care organizations. See Mich Admin Code, R 400.5101 through R 400.5940.¹ Rule 400.5113b expressly contemplates that adult caregivers may administer medicine to children with the written approval of a parent:

(1) *Medication, prescription or nonprescription, shall be given to a child by an adult caregiver only.*

¹ The administrative rules are available online at <www7.dleg.state.mi.us/orr/Files/AdminCode/960_2010-045HS_AdminCode.pdf> (accessed March 12, 2013).

(2) *Medication, prescription or nonprescription, shall be given or applied only with prior written permission from a parent.*^[1]

(3) All medication shall be [in] its original container, stored according to instructions, and clearly labeled for a named child.

(4) *Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given according to those instructions.*

* * *

(6) A caregiver shall give or apply any prescription or nonprescription medication according to the directions on the original container unless authorized by a written order of the child's physician. [Emphasis added.]

The promulgation of this rule fell within the authority delegated to the Department of Human Services to adopt rules under section 2(4)(a), (e), and (f) of the Act, MCL 722.122(4)(a), (e), and (f). See, e.g., *Taylor v Gate Pharmaceuticals*, 468 Mich 1, 10; 658 NW2d 127 (2003). Rules that are properly promulgated under the Administrative Procedures Act, MCL 24.201 *et seq.*, have the force of law. *Danse Corp v City of Madison Heights*, 466 Mich 175, 181; 644 NW2d 721 (2002). Since the rule includes prescription medications and does not otherwise exclude insulin or glucagon, it can be concluded that both may be administered by adult caregivers so long as the requirements of the rule are met.²

At least one additional provision of the licensing rules for child-care organizations supports the conclusion that an adult caregiver in a child-care organization who observes the requirements of Rule 400.5113b may administer insulin and glucagon. Rule 400.5106(10) covers “children with special needs” and establishes an obligation on the part of child-care organizations to “work with the parents,

¹ The term “parent” means “a child’s natural parent, guardian, or another legally responsible person.” Rule 400.5101(k).

² A child-care organization must have a health-care plan that explains the organization’s policies and practices, and this plan must be provided to parents at the time of enrollment. See Rule 400.5111b and Rule 400.5114(1)(g). See also Child Care Center Rules, Technical Assistance and Consultation Manual, February 1, 2013, Rule 400.5111b, Rule 400.5113b(1), available at www.michigan.gov/documents/Child_Care_Center_Rules_Technical_Assistance_and_Consultation_Manual_162653_7.pdf (accessed March 12, 2013).

medical personnel and/or other relevant professionals to provide care according to the child’s identified needs.” Children who require treatment with glucagon and insulin may be considered to have a “special” or “identified” need for that treatment, meaning that the child-care center has an obligation to “work with the parents, medical personnel and/or other relevant professionals to provide care” in administering that treatment.¹

There are no medical licensing requirements for the adult caregiver in this situation, nor does the administration of these medications under the described circumstances run contrary to any specific provision in the Michigan Public Health Code, MCL 333.1101 *et seq.*² The Public Health Code generally prohibits the unlicensed “practice of medicine,” MCL 333.17011, which term is defined as:

[T]he diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts. [MCL 333.17001(f)].

The administration of insulin or glucagon to a diabetic child by an adult caregiver – or a parent for that matter – arguably falls within this broad definition. However, “the scope of the definition’s reach has . . . been limited by the Supreme Court.” *People v Rogers*, 249 Mich App 77, 96-97; 641 NW2d 595 (2001). In *Rogers*, the Court of Appeals observed that “[i]n a number of cases, the Supreme Court, citing *Locke v Ionia Circuit Judge*, 184 Mich 535, 539; 151 NW 623 (1915), has noted that

¹ Notably, children with diabetes are covered by the federal Americans with Disabilities Act of 1990 (ADA), 42 USC 12181-12189, and its implementing regulation, 28 CFR Part 36, and child-care organizations, other than those operated by a religious organization, are subject to the ADA as public accommodations. The Disability Rights Section of the Civil Rights Division of the United States Department of Justice provides a fact sheet describing the application of the ADA to child-care organizations. See <www.ada.gov/childq&a.htm> (accessed March 12, 2013). Michigan’s Persons With Disabilities Civil Rights Act, MCL 37.1401 *et seq.*, is construed similar to the ADA. *Peden v Detroit*, 470 Mich 195, 198, 222; 680 NW2d 857 (2004).

² With respect to medical training, the Department of Human Services requires through Rule 400.5102(3)(b) and Rule 400.5102a, that all child-care organization staff receive certain annual medical training, and that each child-care organization have on duty at all times a caregiver who has current certification in infant, child, and adult cardio pulmonary resuscitation, and in first aid.

exceptions to the definition of ‘practice of medicine’ for ‘gratuitous and humane acts of relief and kindness,’ have been judicially engrafted.” *Rogers*, 249 Mich App at 97, citing *People v Banks*, 236 Mich 8, 14-15; 209 NW 935 (1926); *People v Sekelyn*, 217 Mich 341, 343; 186 NW 479 (1922), and *People v Watson*, 196 Mich 36, 39; 162 NW 943 (1917).¹ Based on these limiting constructions, the Court of Appeals concluded that the definition of the “practice of medicine” was not unconstitutionally overbroad, and would not prohibit a person, like the defendant in that case, from discussing alternative remedies with individuals. *Rogers*, 249 Mich App at 100-101.

These decisions and the limiting constructions accorded the definition of the “practice of medicine” support a conclusion that parents or caregivers acting in the place of parents, who administer insulin or glucagon as directed by a licensed practitioner (and as authorized by a parent, if applicable), are not practicing medicine.² Rather, it is the physician or other licensed practitioner who has engaged in the “practice of medicine” by diagnosing the disease; devising a treatment plan; prescribing the medication; determining how the medication should be administered; and instructing the parents (or possibly even the caregiver) in administering the medication.³

It is my opinion, therefore, that the Child Care Organizations Act, as implemented by the Department of Human Services in Rule 400.5113b, permits adult caregivers to administer insulin and glucagon to a child in attendance at a child-care organization with the prior written permission of a

¹ Similarly, section 16171(d) of the Public Health Code, MCL 333.16171(d), creates an exception from health profession licensing requirements for “[a]n individual who provides nonmedical nursing or similar services in the care of the ill or suffering . . . who does not hold himself or herself out to be a health professional.”

² This conclusion is consistent with section 16294 of the Public Health Code, MCL 333.16294, which imposes a punishment on “an individual *who practices or holds himself or herself out as practicing a health profession* regulated by this article without a license or registration . . .” (Emphasis added).

³ To the extent the analysis in OAG, 1979-1980, No 5679, p 709 (April 11, 1980), concluding that the administration of epinephrine to students by public school employees constituted the “practice of medicine” under the Public Health Code, conflicts with this opinion, OAG No 5679 is superseded. That opinion issued well before, and without the guidance provided by, the Court of Appeals’ decision in *Rogers*, 249 Mich App 77, *supra*.

parent, pursuant to the instructions of the child’s licensed practitioner, and in accordance with the remainder of the rule’s provisions.¹

A handwritten signature in black ink that reads "Bill Schuette". The signature is written in a cursive, flowing style.

BILL SCHUETTE
Attorney General

¹ Because diabetes is a chronic condition becoming more prevalent in children, the Legislature and the Department of Human Services may wish to address the issues discussed in this opinion through statutory and regulatory changes, similar to those in place for school-age children. For example, the Revised School Code, MCL 380.1 *et seq.*, includes a provision immunizing school personnel from civil or criminal liability for the administration of medication to school children, excepting acts of gross negligence. MCL 380.1178(1). Also, pursuant to MCL 380.1178a(1)(b), the Michigan State Board of Education has prepared a Model Policy on the Management of Diabetes in the School Setting (November 8, 2011), <www.michigan.gov/documents/mde/SBE_Model_Policy_on_the_Management_of_Diabetes_in_the_School_Setting_FINAL_11-8-11_370189_7.pdf> (accessed March 12, 2013), for school administrators to pattern. Similar enactments with respect to child-care organizations would likely be beneficial for families and their child-care providers.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	123.1	*	10	123.66	R	10
29.2902	A	5	123.4	*	10	123.67	R	10
29.2903	A	5	123.21	*	10	123.68	R	10
29.2904	A	5	123.22	*	10	123.69	R	10
29.2905	A	5	123.23	*	10	123.71	R	10
29.2906	A	5	123.24	*	10	123.72	R	10
29.2907	A	5	123.43	*	10	123.73	R	10
29.2908	A	5	123.44	*	10	123.74	R	10
29.2909	A	5	123.51	*	10	123.75	R	10
29.2910	A	5	123.52	*	10	205.5	R	8
29.2911	A	5	123.53	*	10	205.9	R	8
29.2912	A	5	123.54	*	10	205.23	R	8
29.2913	A	5	123.55	*	10	205.1	*	8
29.2914	A	5	123.61	*	10	205.8	*	8
29.2915	A	5	123.62	*	10	205.15	*	8
29.2916	A	5	123.63	*	10	205.16	*	8
29.2917	A	5	123.64	*	10	205.20	*	8
29.2918	A	5	123.65	*	10	205.22	*	8
29.2919	A	5	123.20	A	10	205.26	*	8
29.2920	A	5	123.30	A	10	205.28	*	8
29.2921	A	5	123.31	A	10	205.136	*	8
29.2922	A	5	123.32	A	10	205.1101	R	6
29.2923	A	5	123.33	A	10	205.1111	R	6
29.2924	A	5	123.34	A	10	205.1115	R	6
29.2925	A	5	123.35	A	10	205.1120	R	6
29.2926	A	5	123.36	A	10	205.1125	R	6
54.201	*	12	123.37	A	10	205.1130	R	6
54.202	*	12	123.38	A	10	205.1135	R	6
54.203	*	12	123.40	A	10	205.1140	R	6
54.204	*	12	123.56	A	10	205.1145	R	6
54.205	*	12	123.6	R	10	205.1150	R	6
54.206	*	12	123.25	R	10	205.1155	R	6
54.207	*	12	123.26	R	10	205.1201	R	6
54.208	*	12	123.27	R	10	205.1202	R	6
54.209	*	12	123.41	R	10	205.1205	R	6
54.210	*	12	123.42	R	10	205.1208	R	6
54.211	A	12	123.45	R	10	205.1210	R	6
54.212	A	12	123.46	R	10	205.1215	R	6
54.213	A	12	123.47	R	10	205.1220	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1222	R	6	205.1345	R	6	299.5403	R	2
205.1225	R	6	205.1348	R	6	299.5405	R	2
205.1228	R	6	209.1	*	5	299.5407	R	2
205.1230	R	6	209.31	*	5	299.5409	R	2
205.1235	R	6	257.1604	A	11	299.5411	R	2
205.1240	R	6	257.16910	*	11	299.5413	R	2
205.1245	R	6	281.663.1	R	11	299.5415	R	2
205.1247	R	6	281.1201	*	11	299.5530	R	2
205.1249	R	6	281.1204	*	11	299.5532	R	2
205.1250	R	6	281.1206	*	11	299.5534	R	2
205.1252	R	6	281.1208	*	11	299.5536	R	2
205.1255	R	6	285.138.1	R	5	299.5538	R	2
205.1257	R	6	285.502.1	R	10	299.5540	R	2
205.1260	R	6	299.3301	R	2	299.5732	R	2
205.1264	R	6	299.3302	R	2	299.5742	R	2
205.1270	R	6	299.3303	R	2	299.5901	R	2
205.1275	R	6	299.3304	R	2	299.5903	R	2
205.1278	R	6	299.3305	R	2	299.5905	R	2
205.1280	R	6	299.3306	R	2	299.5907	R	2
205.1281	R	6	299.3307	R	2	299.5909	R	2
205.1283	R	6	299.3308	R	2	299.5911	R	2
205.1285	R	6	299.3309	R	2	299.5913	R	2
205.1288	R	6	299.3310	R	2	299.5915	R	2
205.1290	R	6	299.3311	R	2	299.5917	R	2
205.1301	R	6	299.3312	R	2	299.5919	R	2
205.1303	R	6	299.3313	R	2	323.3001	R	16
205.1305	R	6	299.3314	R	2	323.3002	R	16
205.1307	R	6	299.3315	R	2	323.3003	R	16
205.1312	R	6	299.3316	R	2	323.3004	R	16
205.1313	R	6	299.3317	R	2	323.3005	R	16
205.1315	R	6	299.3318	R	2	323.3006	R	16
205.1317	R	6	299.3319	R	2	323.3007	R	16
205.1320	R	6	299.5105	R	2	323.3008	R	16
205.1330	R	6	299.5107	R	2	323.3009	R	16
205.1332	R	6	299.5109	R	2	323.3010	R	16
205.1333	R	6	299.5111	R	2	323.3011	R	16
205.1335	R	6	299.5113	R	2	323.3012	R	16
205.1340	R	6	299.5117	R	2	323.3013	R	16
205.1342	R	6	299.5401	R	2	323.3014	R	16

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
323.3015	R	16	325.5626	A	8	325.5621	R	8
323.3016	R	16	325.5627	A	8	325.5622	R	8
323.3017	R	16	325.5628	A	8	325.5623	R	8
323.3018	R	16	325.5629	A	8	325.5624	R	8
323.3019	R	16	325.5630	A	8	325.5625	R	8
323.3020	R	16	325.5634	A	8	325.5631	R	8
323.3021	R	16	325.5635	A	8	325.5632	R	8
323.3022	R	16	325.5357	A	8	325.5633	R	8
323.3023	R	16	325.5658	A	8	325.5638	R	8
323.3024	R	16	325.5667	A	8	325.5639	R	8
323.3025	R	16	325.5668	A	8	325.5640	R	8
323.3026	R	16	325.5674	A	8	325.5641	R	8
323.3027	R	16	325.5675	A	8	325.5642	R	8
324.1501	R	2	325.5676	A	8	325.5643	R	8
324.1502	R	2	325.5677	A	8	325.5644	R	8
324.1503	R	2	325.5678	A	8	325.5645	R	8
324.1504	R	2	325.5679	A	8	325.5646	R	8
324.1505	R	2	325.5680	A	8	325.5647	R	8
324.1506	R	2	325.5681	A	8	325.5648	R	8
324.1507	R	2	325.5682	A	8	325.5649	R	8
324.1508	R	2	325.5683	A	8	325.5650	R	8
324.1509	R	2	325.5684	A	8	325.5651	R	8
324.1509a	R	2	325.5685	A	8	325.5652	R	8
324.1510	R	2	325.5686	A	8	325.5659	R	8
324.1511	R	2	325.5687	A	8	325.5660	R	8
325.5601	*	8	325.5688	A	8	325.5661	R	8
325.5602	*	8	325.5689	A	8	325.5662	R	8
325.5603	*	8	325.5690	A	8	325.5663	R	8
325.5605	*	8	325.5691	A	8	325.5664	R	8
325.5607	*	8	325.5692	A	8	325.5665	R	8
325.5608	*	8	325.5693	A	8	325.47801	R	11
325.5610	*	8	325.5694	A	8	325.50301	*	7
325.5611	*	8	325.5695	A	8	325.50303	*	7
325.5612	*	8	325.5696	A	8	325.50304	*	7
325.5613	*	8	325.5697	A	8	325.50302	R	7
325.5637	*	8	325.5698	A	8	325.50305	R	7
325.5655	*	8	325.5617	R	8	325.50306	R	7
325.5656	*	8	325.5618	R	8	325.50307	R	7
325.5601a	A	8	325.5619	R	8	325.50308	R	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.50309	R	7	325.50348	R	7	325.60158	*	6
325.50310	R	7	325.51101	*	6	325.60159	*	6
325.50311	R	7	325.51105	*	6	325.60160	*	6
325.50312	R	7	325.51108	*	6	325.60161	*	6
325.50313	R	7	325.51101a	A	6	325.60151a	A	6
325.50314	R	7	325.51190	*	7	336.1310	*	6
325.50315	R	7	325.51143	R	7	336.1330	R	6
325.50316	R	7	325.51301	*	11	338.7	*	6
325.50317	R	7	325.51302	*	11	338.108	R	6
325.50318	R	7	325.51311	*	11	338.3201	R	5
325.50319	R	7	325.51312	*	11	338.3202	R	5
325.50320	R	7	325.51851	*	10	338.3204	R	5
325.50321	R	7	325.51852	*	10	338.3206	R	5
325.50322	R	7	325.51854	*	10	338.3208	R	5
325.50323	R	7	325.51856	*	10	338.3218	R	5
325.50324	R	7	325.51859	*	10	338.3219	R	5
325.50325	R	7	325.51860	*	10	338.3220	R	5
325.50326	R	7	325.51862	*	10	338.3221	R	5
325.50327	R	7	325.51863	*	10	338.3231	R	5
325.50328	R	7	325.51865	*	10	338.3232	R	5
325.50329	R	7	325.51866	*	10	338.3233	R	5
325.50330	R	7	325.51867	*	10	338.3234	R	5
325.50331	R	7	325.51868	*	10	338.3235	R	5
325.50332	R	7	325.51869	*	10	338.3236	R	5
325.50333	R	7	325.51873	*	10	338.3238	R	5
325.50334	R	7	325.51874	*	10	338.3239	R	5
325.50335	R	7	325.51879	*	10	338.3241	R	5
325.50336	R	7	325.51880	*	10	338.3242	R	5
325.50337	R	7	325.51881	*	10	338.3243	R	5
325.50338	R	7	325.51883	*	10	338.3251	R	5
325.50339	R	7	325.51851a	A	10	338.3252	R	5
325.50340	R	7	325.51878a	A	10	338.3253	R	5
325.50341	R	7	325.51885	R	10	338.3254	R	5
325.50342	R	7	325.51886	R	10	338.3255	A	5
325.50343	R	7	325.60151	*	6	338.3256	A	5
325.50344	R	7	325.60154	*	6	338.3257	R	5
325.50345	R	7	325.60155	*	6	338.3258	R	5
325.50346	R	7	325.60156	*	6	338.3259	R	5
325.50347	R	7	325.60157	*	6	338.3261	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3262	R	5	338.3464	R	5	339.22501	R	5
338.3263	R	5	338.3465	R	5	339.22503	R	5
338.3264	R	5	338.3466	R	5	339.22505	R	5
338.3265	R	5	338.5101	*	12	339.22507	R	5
338.3266	R	5	338.5102	*	12	339.22509	R	5
338.3267	R	5	338.5104	*	12	339.22511	R	5
338.3268	R	5	338.5110	*	12	339.22513	R	5
338.3269	R	5	338.5110a	*	12	339.22515	R	5
338.3270	R	5	338.5111	*	12	339.22517	R	5
338.3281	R	5	338.5112	*	12	339.22519	R	5
338.3282	R	5	338.5115	*	12	339.22521	R	5
338.3283	R	5	338.5140	*	12	339.22523	R	5
338.3284	R	5	338.5210	*	12	339.22525	R	5
338.3291	R	5	338.5217	*	12	339.22527	R	5
338.3292	R	5	338.5218	*	12	339.22529	R	5
338.3295	R	5	338.5230	*	12	339.23101	*	5
338.3301	R	5	338.5240	*	12	339.23102	*	5
338.3302	R	5	338.5255	*	12	340.1121	*	6
338.3303	R	5	338.5401	*	12	340.1122	*	6
338.3304	R	5	338.5405	*	12	340.1123	R	6
338.3307	R	5	338.5435	*	12	340.1124	R	6
338.3311	R	5	338.5460	*	12	390.67100	R	9
338.3312	R	5	338.5465	*	12	400.400	R	6
338.3313	R	5	338.5475	*	12	400.410	R	6
338.3314	R	5	338.5501	*	12	400.411	R	6
338.3317	R	5	338.5503	*	12	400.5101	R	13
338.3321	R	5	338.5116	A	12	400.5102	R	13
338.3324	R	5	338.5117	A	12	400.5102a	R	13
338.3327	R	5	338.5139	A	12	400.5103	R	13
338.3331	R	5	338.5103	R	12	400.5103a	R	13
338.3332	R	5	338.5105	R	12	400.5104	R	13
338.3335	R	5	338.5114	R	12	400.5104a	R	13
338.3341	R	5	338.5120	R	12	400.5104b	R	13
338.3345	R	5	338.5145	R	12	400.5105	R	13
338.3451	R	5	338.5260	R	12	400.5106	R	13
338.3455	R	5	338.5270	R	12	400.5107	R	13
338.3456	R	5	338.5446	R	12	400.5108	R	13
338.3461	R	5	338.5480	R	12	400.5109	R	13
338.3463	R	5	338.23030	R	6	400.5109a	R	13

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.5110	R	13	400.5605	R	13	400.8107	A	13
400.5111	R	13	400.5606	R	13	400.8110	A	13
400.5111a	R	13	400.5607	R	13	400.8113	A	13
400.5111b	R	13	400.5610	R	13	400.8116	A	13
400.5113a	R	13	400.5611	R	13	400.8119	A	13
400.5113b	R	13	400.5613	R	13	400.8122	A	13
400.5113c	R	13	400.5615	R	13	400.8125	A	13
400.5114	R	13	400.5801	R	13	400.8128	A	13
400.5115	R	13	400.5805	R	13	400.8131	A	13
400.5116	R	13	400.5810	R	13	400.8134	A	13
400.5117	R	13	400.5815	R	13	400.8137	A	13
400.5118	R	13	400.5820	R	13	400.8140	A	13
400.5201a	R	13	400.5825	R	13	400.8143	A	13
400.5201b	R	13	400.5835	R	13	400.8146	A	13
400.5202a	R	13	400.5840	R	13	400.8149	A	13
400.5204	R	13	400.5841	R	13	400.8152	A	13
400.5204a	R	13	400.5845	R	13	400.8155	A	13
400.5205	R	13	400.5850	R	13	400.8158	A	13
400.5205a	R	13	400.5856	R	13	400.8161	A	13
400.5205b	R	13	400.5865	R	13	400.8164	A	13
400.5206	R	13	400.5870	R	13	400.8167	A	13
400.5209	R	13	400.5900a	R	13	400.8170	A	13
400.5301	R	13	400.5901	R	13	400.8173	A	13
400.5302	R	13	400.5902	R	13	400.8176	A	13
400.5303	R	13	400.5902a	R	13	400.8179	A	13
400.5303a	R	13	400.5902b	R	13	400.8182	A	13
400.5305	R	13	400.5902c	R	13	400.8185	A	13
400.5306	R	13	400.5902d	R	13	400.8188	A	13
400.5307	R	13	400.5903	R	13	400.8191	A	13
400.5501	R	13	400.5905	R	13	400.8301	A	13
400.5502	R	13	400.5910	R	13	400.8305	A	13
400.5502a	R	13	400.5915	R	13	400.8310	A	13
400.5502b	R	13	400.5920	R	13	400.8315	A	13
400.5502c	R	13	400.5925	R	13	400.8320	A	13
400.5601	R	13	400.5930	R	13	400.8325	A	13
400.5602	R	13	400.5935	R	13	400.8330	A	13
400.5603	R	13	400.5940	R	13	400.8335	A	13
400.5604	R	13	400.8101	A	13	400.8340	A	13
400.5604	R	13	400.8104	A	13	400.8345	A	13

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.8350	A	13	408.10413	R	1	408.11844	*	10
400.8355	A	13	408.10421	*	1	408.11851	*	10
400.8360	A	13	408.10509	*	1	408.11859	*	10
400.8365	A	13	408.10541	*	1	408.11913	*	16
400.8370	A	13	408.10570	*	1	408.11921	*	16
400.8375	A	13	408.10579	*	1	408.11937	*	16
400.8380	A	13	408.10580	*	1	408.11957	*	16
400.8385	A	13	408.10582	*	1	408.11902	A	16
400.8501	A	13	408.10590	*	1	408.12111	*	10
400.8505	A	13	408.10761	R	1	408.12151	*	10
400.8510	A	13	408.10763	R	1	408.12155	*	10
400.8515	A	13	408.10765	*	1	408.12163	*	10
400.8520	A	13	408.10801	*	1	408.12216	*	7
400.8525	A	13	408.10807	*	1	408.12217	*	7
400.8530	A	13	408.10823	*	1	408.12218	*	7
400.8535	A	13	408.10914	*	1	408.12220	*	7
400.8540	A	13	408.10925	*	1	408.12242	*	7
400.8545	A	13	408.10999	*	1	408.12202	A	7
400.8550	A	13	408.11119	R	10	408.12231	R	7
400.8555	A	13	408.11121	R	10	408.13811	*	7
400.8560	A	13	408.11203	*	11	408.13812	*	7
400.8565	A	13	408.11211	*	11	408.13822	*	7
400.8701	A	13	408.11213	*	11	408.13847	*	7
400.8710	A	13	408.11221	*	11	408.13865	*	7
400.8720	A	13	408.11222	*	11	408.13871	*	7
400.8730	A	13	408.11224	*	11	408.13881	*	7
400.8740	A	13	408.11241	*	11	408.13802	A	7
400.8750	A	13	408.11243	*	11	408.14246	*	6
400.8760	A	13	408.11262	*	11	408.14263	*	6
400.8770	A	13	408.11275	*	11	408.14267	*	6
400.8801	A	13	408.11293	*	11	408.14269	*	6
400.8810	A	13	408.11294	*	11	408.14273	*	6
400.8820	A	13	408.11202	A	11	408.14231	R	6
400.8830	A	13	408.11432	*	6	408.14451	*	8
400.8840	A	13	408.11431	R	6	408.14476	*	8
408.43b	*	9	408.11434	R	6	408.14507	*	10
408.43i	*	9	408.11724	*	6	408.14521	*	10
408.48	*	5	408.11725	*	6	408.14555	*	10
408.59	*	5	408.11807	*	10	408.14535	R	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.15712	*	8	408.17412	*	8	408.30808	*	10
408.15713	*	8	408.17415	*	8	408.30810	*	10
408.15717	*	8	408.17421	*	8	408.30811	*	10
408.15721	*	8	408.17422	*	8	408.30812	*	10
408.15723	*	8	408.17423	*	8	408.30815	*	10
408.15725	*	8	408.17424	*	8	408.30817	*	10
408.15726	*	8	408.17426	*	8	408.30818	*	10
408.15739	*	8	408.17431	*	8	408.30819	*	10
408.15802	*	8	408.17432	*	8	408.30822	*	10
408.15810	*	8	408.17433	*	8	408.30823	*	10
408.15815	*	8	408.17434	*	8	408.30826	*	10
408.15821	*	8	408.17435	*	8	408.30827	*	10
408.15831	*	8	408.17436	*	8	408.30835	*	10
408.15833	*	8	408.17437	*	8	408.30838	*	10
408.16211	*	10	408.17451	*	8	408.30865	*	10
408.16222	*	10	408.17461	*	8	408.30869	*	10
408.16227	*	10	408.17463	*	8	408.30870	*	10
408.16236	*	10	408.17421	*	11	408.30871	*	10
408.16217	R	10	408.17461	*	11	408.30873	*	10
408.16511	*	6	408.30001	*	6	408.30872	R	10
408.16528	*	6	408.30002	A	6	408.30880	R	10
408.17125	R	6	408.30007	*	6	408.30901a	*	10
408.17211	*	10	408.30013	*	6	408.30906a	*	10
408.17212	*	10	408.30016	*	6	408.30910a	*	10
408.17213	*	10	408.30019	*	6	408.30912a	*	10
408.17222	*	10	408.30022	*	6	408.30915a	*	10
408.17225	*	10	408.30025	*	6	408.30918a	*	10
408.17236	*	10	408.30028	*	6	408.30923a	*	10
408.17251	*	10	408.30031	*	6	408.30927a	*	10
408.17227	R	10	408.30034	*	6	408.30928a	*	10
408.17303	*	8	408.30037	*	6	408.30935a	*	10
408.17310	*	8	408.30040	*	6	408.30945a	*	10
408.17315	*	8	408.30043	*	6	408.30946	*	10
408.17318	*	8	408.30046	*	6	408.30947	*	10
408.17320	*	8	408.30049	*	6	408.30948	*	10
408.17403	*	8	408.30052	*	6	408.30995a	*	10
408.17404	*	8	408.30055	*	6	408.30947a	A	10
408.17405	*	8	408.30801	*	10	408.30948a	A	10
408.17411	*	8	408.30806	*	10	408.30996	A	10

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.40102	*	6	408.40714	R	6	408.41221	*	7
408.40114	*	6	408.40729	R	6	408.41222	*	7
408.40116	*	6	408.40742	R	6	408.41224	*	7
408.40119	*	6	408.40810	*	7	408.41225	*	7
408.40121	*	6	408.40818	*	7	408.41226	*	7
408.40122	*	6	408.40819	*	7	408.41227	*	7
408.40127	*	6	408.40820	*	7	408.41231	*	7
408.40128	*	6	408.40821	*	7	408.41232	*	7
408.40130	*	6	408.40822	*	7	408.41233	*	7
408.40131	*	6	408.40831	*	7	408.41234	*	7
408.40132	*	6	408.40833	*	7	408.41235	*	7
408.40133	*	6	408.40834	*	7	408.41236	*	7
408.40134	*	6	408.40836	*	7	408.41237	*	7
408.40133	R	6	408.40837	*	7	408.41243	*	7
408.40125	R	6	408.40840	*	7	408.41245	*	7
408.40126	R	6	408.40841	*	7	408.41253	*	7
408.40617	*	6	408.40932	*	6	408.41254	*	7
408.40621	*	6	408.40933	*	6	408.41255	*	7
408.40622	*	6	408.40941	*	6	408.41256	*	7
408.40623	*	6	408.40851	*	6	408.41261	*	7
408.40624	*	6	408.40946	R	6	408.41264	*	7
408.40625	*	6	408.40952	R	6	408.41228	R	7
408.40626	*	6	408.41111	*	7	408.41244	R	7
408.40631	*	6	408.41122	*	7	408.41246	R	7
408.40634	*	6	408.41123	*	7	408.41262	R	7
408.40635	*	6	408.41124	*	7	408.41263	R	7
408.40627	R	6	408.41126	*	7	408.41410	*	8
408.40632	R	6	408.41132	*	7	408.41462	*	8
408.40641	R	6	408.41133	*	7	408.41464	*	8
408.40709	*	6	408.41140	*	7	408.41465	*	8
408.40711	*	6	408.41102	R	7	408.41466	*	8
408.40712	*	6	408.41115	R	7	408.41467	*	8
408.40721	*	6	408.41125	R	7	408.41472	*	8
408.40722	*	6	408.41130	R	7	408.41475	*	8
408.40743	*	6	408.41131	R	7	408.41476	*	8
408.40744	*	6	408.41210	*	7	408.41477	*	8
408.40746	*	6	408.41211	*	7	408.41478	*	8
408.40751	*	6	408.41215	*	7	408.41482	*	8
408.40761	*	6	408.41217	*	7	408.41075a	A	8

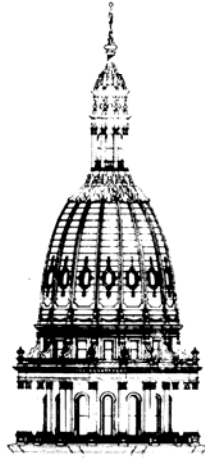
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.41077a	A	8	408.42034	*	6	408.42535	R	1
408.41468	R	8	408.42041	*	6	408.42602	*	1
408.41610	*	1	408.42043	*	6	408.42644	*	1
408.41627	*	1	408.42045	*	6	408.42732	*	7
408.41633	*	1	408.42046	*	6	408.42733	*	7
408.41658	*	1	408.42047	*	6	408.42741	*	7
408.41719	*	1	408.42131	R	1	408.42743	*	7
408.41725	*	1	408.42145	R	1	408.42755	*	7
408.41728	*	1	408.42149	*	1	408.42759	*	7
408.41802	*	7	408.42156	*	1	408.42799	*	7
408.41841	*	7	408.42157	*	1	408.42756	R	7
408.41852	*	7	408.42159	*	1	408.43101	R	7
408.41872	*	7	408.42160	R	1	408.43103	R	7
408.41884	*	7	408.42209	*	8	408.43104	R	7
408.41842	R	7	408.42213	*	8	408.43105	R	7
408.41850	R	7	408.42223	*	8	408.43106	R	7
408.41932	*	7	408.42225	*	8	408.43107	R	7
408.41934	*	7	408.42238	*	8	408.43109	R	7
408.41935	*	7	408.42402	*	1	408.43111	R	7
408.41943	*	7	408.42403	*	1	408.43112	R	7
408.41945	*	7	408.42404	*	1	408.43113	R	7
408.41949	*	7	408.42405	*	1	408.43114	R	7
408.41952	*	7	408.42406	*	1	408.43121	R	7
408.41953	*	7	408.42407	*	1	408.43122	R	7
408.41954	*	7	408.42502	*	1	408.43123	R	7
408.41957	*	7	408.42503	*	1	408.43124	R	7
408.41959	*	7	408.42518	*	1	408.43125	R	7
408.41964	*	7	408.42520	*	1	408.43126	R	7
408.41977	*	7	408.42521	*	1	408.43127	R	7
408.41980	*	7	408.42522	*	1	408.43131	R	7
408.41902	A	7	408.42524	*	1	408.43132	R	7
408.41931	R	7	408.42525	*	1	408.43133	R	7
408.41956	R	7	408.42526	*	1	408.43134	R	7
408.41970	R	7	408.42527	*	1	408.43141	R	7
408.41971	R	7	408.42528	*	1	408.43142	R	7
408.41974	R	7	408.42531	*	1	408.43145	R	7
408.41975	R	7	408.42532	*	1	408.43146	R	7
408.41979	R	7	408.42533	*	1	408.43151	R	7
408.42031	*	6	408.42534	R	1	408.43152	R	7

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408.43153	R	7	491.135	R	3	792.10211	A	6
408.43154	R	7	491.140	R	3	792.10213	A	6
408.43155	R	7	491.145	R	3	792.10215	A	6
408.43156	R	7	491.150	R	3	792.10217	A	6
408.43157	R	7	491.155	R	3	792.10219	A	6
408.43158	R	7	491.160	R	3	792.10221	A	6
408.43161	R	7	491.165	R	3	792.10223	A	6
408.43162	R	7	491.170	R	3	792.10225	A	6
408.43204a	*	8	491.175	R	3	792.10227	A	6
408.43207	*	8	491.180	R	3	792.10229	A	6
408.43212	*	8	491.185	R	3	792.10231	A	6
432.2	*	10	491.190	R	3	792.10233	A	6
432.6	*	10	491.195	R	3	792.10237	A	6
436.1335	R	5	491.197	R	3	792.10239	A	6
484.71	*	6	550.402	A	6	792.10241	A	6
484.72	*	6	550.403	A	6	792.10243	A	6
484.73	*	6	550.404	A	6	792.10245	A	6
484.74	*	6	554.701	*	9	792.10247	A	6
484.75	*	6	554.723	*	9	792.10249	A	6
484.81	*	8	554.731	*	9	792.10251	A	6
484.82	*	8	554.733	*	9	792.10253	A	6
484.83	*	8	554.734	*	9	792.10255	A	6
484.84	*	8	554.736	*	9	792.10257	A	6
484.85	*	8	554.737	*	9	792.10259	A	6
484.86	*	8	554.741	*	9	792.10261	A	6
484.87	*	8	554.742	*	9	792.10263	A	6
484.88	*	8	554.743	*	9	792.10265	A	6
484.89	*	8	554.744	*	9	792.10267	A	6
484.90	*	8	554.746	*	9	792.10269	A	6
490.113	R	11	554.721	R	9	792.10271	A	6
490.114	R	11	554.722	R	9	792.10273	A	6
490.117	R	11	554.747	R	9	792.10275	A	6
490.118	R	11	554.750	A	9	792.10277	A	6
491.101	R	3	554.751	A	9	792.10279	A	6
491.110	R	3	792.10201	A	6	792.10281	A	6
491.115	R	3	792.10203	A	6	792.10283	A	6
491.120	R	3	792.10205	A	6	792.10285	A	6
491.125	R	3	792.10207	A	6	792.10287	A	6
491.130	R	3	792.10209	A	6	792.10289	A	6

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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2013 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

July 23, 2013
Through PA 106 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (<i>Sen. D. Booher</i>)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (<i>Sen. J. Brandenburg</i>)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (<i>Rep. A. Price</i>)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (<i>Rep. A. Pscholka</i>)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (<i>Rep. P. Pettalia</i>)
14		019	Yes	4/16	4/16	4/16/13	Financial institutions; mortgage brokers and lenders ; appointments to the mortgage industry advisory board; modify. (<i>Sen. D. Booher</i>)
15		065	Yes	4/16	4/16	4/16/13	Individual income tax; collections ; withholding requirement for certain members of a flow-through entity; clarify. (<i>Sen. J. Brandenburg</i>)
16	4052		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
17	4053		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
18	4045		Yes	4/23	4/23	4/23/13	Occupations; electricians ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. (<i>Rep. H. Crawford</i>)

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2013 Michigan Public Acts Table

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	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	Torts; liability; personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. (Rep. R. Victory)
20		0108	Yes	5/7	5/7	5/7/13	Highways; name; portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". (Sen. T. Schuitmaker)
21		0288	Yes	5/8	5/8	5/8/13	Natural resources; hunting; natural resources commission ability to designate species as game; provide for. (Sen. T. Casperson)
22		0289	Yes	5/8	5/8	5/8/13	Natural resources; hunting; right to hunt and fish; provide for. (Sen. T. Casperson)
23	4093		Yes	5/9	5/9	5/9/13 #	Crimes; intoxication or impairment; alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. (Rep. A. LaFontaine)
24	4131		Yes	5/9	5/9	5/9/13 #	Criminal procedure; sentencing guidelines; alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. (Rep. K. Kesto)
25		0218	Yes	5/9	5/10	8/9/13	Economic development; tax increment financing; sunset on water resource improvement tax increment finance authority; remove, and allow dredging. (Sen. G. Hansen)
26		0123	Yes	5/9	5/10	5/10/13	State financing and management; funds; funding for purchase of land and development of certain convention facilities; provide for. (Sen. D. Hildenbrand)
27	4037		No	5/14	5/14	5/1/14	Traffic control; driver license; designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. (Rep. N. Jenkins)
28		0219	No	5/14	5/14	5/1/14	State; identification cards; veteran designation on state identification cards; allow. (Sen. D. Booher)

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	HB	SB					
29	4471		Yes	5/16	5/16	5/16/13	Education; calendar ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	Insurance; health ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	Insurance; health care corporations ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	Family law; other ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	Courts; judges ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	Criminal procedure; sentencing ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	Traffic control; civil infraction procedures ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	Vehicles; registration ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	Natural resources; wildlife ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)
38	4050		Yes	6/4	6/4	6/4/13	Children; protection ; children's ombudsman to investigate victims of child abuse or neglect; expand criteria to include children who have died as a result of child abuse or neglect. (Rep. K. Kurtz)

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	HB	SB					
39	4177		Yes	6/4	6/4	6/4/13	Crimes; homicide ; reference to vulnerable adult abuse in first degree murder statute; revise. (Rep. J. Ananich)
40	4705		Yes	6/4	6/4	6/4/13	Property tax; state education tax ; reimbursement of certain levied millage revenues; allow. (Rep. E. McBroom)
41	4042		Yes	6/5	6/5	6/5/13	Human services; food assistance ; criteria for the issuance of Michigan bridge cards; modify. (Rep. T. Kelly)
42		051	Yes	6/6	6/6	6/6/13	Property tax; classification ; qualified forest property tax program; modify. (Sen. D. Booher)
43		054	Yes	6/5	6/6	6/6/13	Property tax; classification ; allocation of qualified forest property recapture tax; modify. (Sen. T. Casperson)
44		055	Yes	6/5	6/6	6/6/13	Property tax; exemptions ; definition of qualified agricultural property; revise. (Sen. M. Green)
45		056	Yes	6/5	6/6	6/6/13	Natural resources; forests ; private forest management; provide oversight from the department of agriculture and rural development and provide for conservation district assistance to owners of forestland. (Sen. D. Booher)
46		057	Yes	6/5	6/6	6/6/13	Agriculture; other ; Michigan agriculture environmental assurance program; expand to include lands not utilized for traditional or production agriculture such as forest management. (Sen. A. Meekhof)
47		058	Yes	6/5	6/6	6/6/13	Natural resources; forests ; promotion of forestry and the development of the forest products industry in the state; provide for. (Sen. J. Moolenaar)
48	4069		Yes	6/5	6/6	6/6/13	Natural resources; forests ; classification of forestland as commercial forest; clarify requirements for inclusion and withdrawal of forestland. (Rep. F. Foster)

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	HB	SB					
49	4243		Yes	6/5	6/6	6/6/13	Property tax; other; qualified forest property recapture tax; revise. (Rep. E. McBroom)
50	4244		Yes	6/5	6/6	6/6/13	Property tax; classification; qualified forest property; revise exemption. (Rep. B. Rendon)
51	4171		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; elimination of local boards of canvassers and amendment of process to balance precinct results; provide for, and clarify allocation of costs to conduct village elections. (Rep. B. Jacobsen)
52	4169		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in general law village act to board of village canvassers and board of township canvassers; revise to board of county canvassers. (Rep. D. Pagel)
53	4170		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in community college act of 1966 to board of city or township canvassers; eliminate. (Rep. K. Cotter)
54	4127		Yes	6/11	6/11	6/11/13	Criminal procedure; probation; GPS bail monitoring of certain offenders; allow. (Rep. J. Johnson)
55	4360		Yes	6/11	6/11	9/10/13	Liquor; licenses; penalties for certain unauthorized transactions for food assistance or family independence program benefits; provide for. (Rep. G. Haines)
56	4361		Yes	6/11	6/11	9/10/13	Gaming; lottery; lottery sales agent; provide for penalties for fraudulent activity related to food assistance benefits. (Rep. R. Victory)
57		0165	Yes	6/11	6/11	9/10/13	Health facilities; hospitals; policy regarding life-sustaining or nonbeneficial treatment; require policy be disclosed in writing upon request and provide to parent or guardian if it applies to a minor or ward. (Sen. J. Marleau)
58		0335	Yes	6/11	6/11	6/11/13	Insurance; health; health insurance claims assessment; extend the sunset. (Sen. R. Kahn)

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	HB	SB					
59	4328		Yes	6/13	6/13	6/13/13 +	Appropriations; other; omnibus budget bill for fiscal year 2013-2014; provide for. (Rep. J. Haveman)
60	4228		Yes	6/13	6/13	6/13/13	Appropriations; school aid; fiscal year 2013-2014 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
61	4458		Yes	6/16	6/18	6/18/13	Economic development; tax increment financing; capture of increased tax revenue levied under certain tax millages; prohibit. (Rep. E. Kowall)
62	4461		Yes	6/16	6/18	6/18/13	Economic development; local development financing authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. H. Haugh)
63	4463		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Walsh)
64	4464		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. G. Haines)
65	4743		Yes	6/19	6/19	6/19/13	Fireworks; use; local control of consumer fireworks use; expand, and amend certain licensing requirements. (Rep. H. Haugh)
66	4459		Yes	6/19	6/19	6/19/13	Economic development; downtown development authorities; capture of increased tax revenue levied for certain millages; prohibit. (Rep. J. Townsend)
67	4460		Yes	6/19	6/19	6/19/13	Economic development; brownfield redevelopment authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. P. Cavanagh)
68	4462		Yes	6/19	6/19	6/19/13	Economic development; corridor improvement; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Farrington)

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	HB	SB					
69	4591		Yes	6/25	6/25	6/25/13	Occupations; alarm systems; installation of certain home monitoring systems without electrician's permit; authorize for registered or licensed security alarm providers. (Rep. A. Nesbitt)
70	4737		Yes	6/25	6/25	6/25/13	Construction; permits; installation, maintenance, replacement, or servicing of a home monitoring system; exempt from construction code permit requirements. (Rep. A. Nesbitt)
71	4592		Yes	6/25	6/25	6/25/13	Occupations; mechanical contractors; installation of certain home thermostats under Forbes mechanical contractors act; authorize for security alarm system providers. (Rep. B. Jacobsen)
72	4665		Yes	6/25	6/25	6/25/13	Environmental protection; solid waste; solid waste surcharge program; extend sunset. (Rep. E. Kowall)
73	4666		Yes	6/25	6/25	10/1/13	Environmental protection; hazardous waste; sunset for certain user charges; extend, and consolidate funds. (Rep. E. Kowall)
74	4708		Yes	6/25	6/25	10/1/13	Environmental protection; hazardous waste; hazardous materials transportation permit fund; replace with environmental pollution prevention fund. (Rep. E. Kowall)
75	4669		Yes	6/25	6/25	6/25/13	Vehicles; off-road; license fee for off-road vehicles; revise. (Rep. J. Bumstead)
76		0256	Yes	6/25	6/25	6/25/13	Economic development; other; Michigan supply chain management development commission revisions; provide for. (Sen. M. Kowall)
77	4303		Yes	6/27	6/27	9/26/13	Occupations; mortuary science; courtesy licenses for licensees from certain other states; authorize for certain purposes. (Rep. K. Kurtz)
78	4329		Yes	6/27	6/27	9/26/13 #	Occupations; licensing fees; fees for courtesy mortuary science licenses; establish. (Rep. K. Kurtz)

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	HB	SB					
79	4330		Yes	6/27	6/27	9/26/13 #	Occupations; mortuary science; authorization of death record by funeral director who holds a courtesy license; allow. <i>(Rep. K. Kurtz)</i>
80	4574		Yes	6/27	6/27	9/26/13	Occupations; mortuary science; assignment or assumption of prepaid funeral contracts by purchaser of a licensed funeral establishment; require. <i>(Rep. K. Kurtz)</i>
81	4297		No	6/27	6/28	5/1/14 #	Recreation; state parks; waiver of recreation passport fees; allow for holders of multiyear vehicle registrations except when registration fee is paid. <i>(Rep. F. Foster)</i>
82	4439		No	6/27	6/28	5/1/14 #	Vehicles; registration; recreational passport fee; eliminate from registration forms for certain military specialty plates. <i>(Rep. F. Foster)</i>
83	4080		Yes	6/27	6/28	6/28/13	Property; conveyances; surplus department of corrections property in Kinross township and Camp Manistique in Schoolcraft county; provide for conveyance. <i>(Rep. F. Foster)</i>
84	4307		Yes	6/27	6/28	6/28/13	Elections; special elections; requirement for a special election when a vacancy occurs in the office of county commissioner during an odd numbered year; eliminate unless the vacancy is not filled by appointment. <i>(Rep. L. Lyons)</i>
85	4540		Yes	6/27	6/28	6/28/13	Economic development; plant rehabilitation; taxation of certain industrial facilities exemption certificates; clarify. <i>(Rep. J. Stamas)</i>
86	4663		Yes	6/27	6/28	6/28/13	Water; conservation; agricultural land uses; modify water withdrawal dispute resolution process and allowable expenditures from the agricultural preservation fund. <i>(Rep. K. Daley)</i>
87		0264	Yes	6/27	6/28	6/28/13	Natural resources; other; issuance of permits for dredging; modify procedure. <i>(Sen. T. Casperson)</i>
88	4082		Yes	6/28	6/28	6/28/13 #	Individual income tax; other; Michigan Alzheimer's association fund act; create. <i>(Rep. M. Lori)</i>

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	HB	SB					
89	4084		Yes	6/28	6/28	6/28/13	Individual income tax; other ; ALS of Michigan ("Lou Gehrig's disease") fund act; create. (Rep. J. Farrington)
90		0150	Yes	6/28	6/28	6/28/13 #	Individual income tax; checkoff ; contribution to Michigan Alzheimer's association fund; provide for check-off option. (Sen. J. Pappageorge)
91		0341	Yes	6/28	6/28	6/28/13 #	Individual income tax; other ; Michigan Amber alert fund; create. (Sen. D. Hildenbrand)
92		0342	Yes	6/28	6/28	6/28/13	Individual income tax; checkoff ; contributions to Michigan Amber alert fund; provide check-off option. (Sen. D. Hildenbrand)
93	4529		Yes	7/1	7/1	7/1/13	Criminal procedure; defenses ; statewide standards and accountability measures of trial-level indigent criminal defense services; implement, and create the Michigan indigent defense commission act. (Rep. T. McMillin)
94		0301	Yes	7/1	7/1	7/1/13 #	Criminal procedure; other ; appointment of counsel to indigent person charged with felony; modify. (Sen. B. Caswell)
95		0284	Yes	7/1	7/1	7/1/13	Public utilities; other ; creation and funding of the low-income energy assistance fund; provide for. (Sen. M. Nofs)
96	4813		Yes	7/2	7/2	7/2/13 #	Education; reorganization ; criteria and procedures for dissolution of a school district; revise. (Rep. B. Rogers)
97	4815		Yes	7/2	7/2	10/1/13 #	School aid; other ; implementation of district dissolution; provide for in school aid act, and adjust appropriations for districts affected by dissolution. (Rep. B. Rogers)
98		0163	Yes	7/2	7/2	7/2/13	Natural resources; wetlands ; permit exemptions for wetlands and inland lakes and streams; revise, modify certain permit fees, provide for certain general permits, and require more information from department justifying denial of any part 13 permits. (Sen. M. Green)

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	HB	SB					
99		0175	Yes	7/2	7/2	7/2/13	Military affairs ; generally, Michigan military act; modify. (Sen. J. Pappageorge)
100		079	Yes	7/2	7/2	8/31/13	Liquor ; licenses; farmer's market permit to sell and taste wine at farmer's market; provide for. (Sen. G. Hansen)
101		027	Yes	7/2	7/2	7/2/13 #	Liquor ; licenses; ability to refill growlers of beer and to sample and sell wine at farmer's market; provide for certain licensees. (Sen. D. Hildenbrand)
102	4112		Yes	7/3	7/3	7/3/13	Appropriations ; zero budget; supplemental appropriations; provide for fiscal years 2012-2013 and 2013-2014. (Rep. J. Haveman)
103		0380	Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification program; revise. (Sen. R. Richardville)
104		0383	Yes	7/3	7/3	1/10/14 #	Civil procedure ; foreclosure; redemption period; terminate redemption rights if property is damaged. (Sen. D. Booher)
105	4765		Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification program; extend sunset and phase out. (Rep. J. Farrington)
106	4766		Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification; require certain mortgage servicing agents to personally meet with mortgagors. (Rep. M. Callton)
Veto	4085		Yes	No	6/28	6/28/13	Individual income tax ; checkoff; funding for ALS of Michigan ("Lou Gehrig's disease") fund; create. (Rep. T. Cochran)

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